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Decision Date : April 12,2011

In re Application of :

Andy Petrovich

Application No : 12054167

Filed : 24-Mar-2008

Attorney Docket No : 25P03.1-011

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 12,2011

The request is **APPROVED**.

The request was signed by Michelle E. Kandcer (registration no. 54207) on behalf of all attorneys/agents associated with Customer Number 23506 . All attorneys/agents associated with Customer Number 23506 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Andy Petrovich
Name2
Address 1 505 Commerce Park Drive
Address 2 Suite G
City Marietta
State GA
Postal Code 30060
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12054167	
Filing Date	24-Mar-2008	
First Named Inventor	Andy Petrovich	
Art Unit	1714	
Examiner Name	RYAN COLEMAN	
Attorney Docket Number	25P03.1-011	
Title	SURGICAL CART WITH A MISTER	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23506		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Andy Petrovich	
Address	505 Commerce Park Drive Suite G	
City	Marietta	
State	GA	
Postal Code	30060	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Michelle E. Kandcer/
Name	Michelle E. Kandcer
Registration Number	54207



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/054,172	03/24/2008	Naoki Yamanashi	008074P372	5624
7590 10/27/2010 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER CONNOLLY, MARK A	
			ART UNIT	PAPER NUMBER
			2115	
			MAIL DATE	DELIVERY MODE
			10/27/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

41-50-000 10/27/2010 15:00:00
10/27/2010 10:27:30 0022555 0022555 12034172
02 10:27:30 0022555 0022555

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/16/10

Paper No.: _____

TO SPE OF : ART UNIT 3726SUBJECT : Request for Certificate of Correction for Appl. No.: 12054180 Patent No.: 7757374

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

For more information, contact the Director's SPE response to 571-272-3421

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ Approved

All changes apply.

☐ Approved in Part

Specify below which changes do not apply.

☐ Denied

State the reasons for denial below.

Comments: _____


DAVID P. BRYANT
SUPERVISORY PATENT EXAMINER
SPE

3726
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED
FEB 22 2011
OFFICE OF PETITIONS

In re Application of :
Elzur et al. : DECISION
Application No. 12/054,189 : ON APPLICATION FOR
Filed: March 24, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. 18366US02 :
Title: METHOD AND SYSTEM FOR :
HOLISTIC ENERGY MANAGEMENT IN :
ETHERNET NETWORKS :

This is in response to the "APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705)," filed January 19, 2011. Applicant submits that the correct patent term adjustment to be indicated on the patent is three hundred and seventy-seven (377) days, not three hundred and forty-four (344) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under

§ 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, Applicant is advised that he may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, Applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

¹ For example, if Applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then Applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

11 AUG 2010

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EMERGING STRATEGIES, LLP
7416 LYNNHURST STREET
CHEVY CHASE MD 20815-3102

In re Application of
Murphy J. CORMIER et al.
U.S. Application No.: 12/054,213
Date of Receipt: 24 March 2008
Attorney Docket No.: 0004.0046
For: METHOD OF DENITRIFYING
WASTEWATER

DECISION ON
PETITION

This is a decision on the renewed petition under 37 CFR 1.181, filed 18 November 2009 to treat the above-identified application as a divisional application filed under 35 USC 111(a) and to subsequently issue a corrected filing receipt. The renewed petition also requests Republication of the Application pursuant to 37 CFR 1.221(b).

The decision on petition is **GRANTED** to the extent indicated.

On 24 March 2008, petitioners filed the instant application including, *inter alia*, an application data sheet including priority data designating the instant application as a divisional of application number 11/722,010.

On 05 January 2009, petitioners filed a request in parent application 11/722,010 to have that application treated as a 35 USC 371 national stage entry of international application PCT/US07/68288. The petition was dismissed in a decision mailed 07 July 2009.

On 12 November 2009, a renewed petition was granted in 11/722,010 designating that application as filing pursuant to 35 USC 111(a). Accordingly, a corrected filing receipt can now be issued in the instant application which properly reflects its relationship to parent application 11/720,010 as the question of the status of the parent application as a filing under 35 USC 111(a) has been resolved.

This application is being referred to the Office of Data Management for a decision on petitioners' request for republication.

Telephone inquiries concerning this decision may be directed to BethAnne Dayoan at (571) 272-3209.

A handwritten signature in black ink, appearing to read 'BethAnne Dayoan', is positioned above the printed name.

BethAnne Dayoan
PCT Legal Analyst
Office of PCT Legal Administration

Enclosure



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450

EMERGING STRATEGIES, LLP
7416 LYNNHURST STREET
CHEVY CHASE MD 20815-3102

MAILED

SEP 17 2010

OFFICE OF PETITIONS

Applicant: Gimmestad, et al.
Appl. No.: 12/054,213
Filing Date: March 24, 2008
Title: METHOD OF DENITRIFYING WASTEWATER
Attorney Docket No.: 0004.0046
Pub. No.: US 2009/0236283 A1
Pub. Date: September 24, 2009

This is a decision on the “Renewed Petition to the Director and Request for Republication 35 U.S.C. 131; 37 CFR 1.181 and 1.221(b)”, received on November 18, 2009, which is being treated as a request for a corrected patent application publication, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error, wherein the front page of the publication does not include the continuity data.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records. . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The omission of the benefit claim on the front page of the publication may be an Office error, but it is not a material error under 37 CFR 1.221(b). The error is not a material error because the first line of the specification includes the benefit claim. This error therefore does not affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

It is noted that the specification includes an improper benefit claim to the PCT Application No. PCT/US07/68288.

Applicant is reminded that since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order **must** be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects. See 37 CFR 1.4(c).

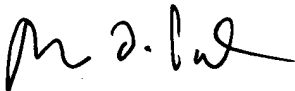
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

A "Quick Start Guide" for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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CHOATE HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED
JAN 13 2012
OFFICE OF PETITIONS

In re
William W. Gardetto
Application No. 12/054,252
Filed: March 24, 2008
Attorney Docket No. 2009913-0009

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed December 6, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$815, representing \$305 for the application filing fee, \$365 for the search fee, and \$145 for the examination fee is hereby accepted.

The change of status to large entity has been entered.

The application is being forwarded to Group Art Unit 3617 to await applicant's submission of the issue fee in response to the December 28, 2011 Notice of Allowance.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



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VISHAY/SILICONIX C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

MAILED
JUL 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Irace et al.	:	
Application No. 12/054,291	:	Decision Refusing to Accord
Filed: March 24, 2008	:	Status Under 37 CFR 1.47(a)
Attorney Docket No. VISH-IR231	:	
For: Semiconductor Device with Buffer	:	
Layer	:	

This is a decision on the petition filed November 6, 2008, which is being treated as a petition under 37 CFR 1.47(a).¹ The Office regrets the delay in the issuance of the instant decision.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

The Office will not consider the merits of a petition absent payment of the required petition fee.

The petition states, "Enclosed is a check for the petition fee of \$130.00." However, Office records fail to indicate the Office received \$130 for the petition fee. In addition, the current required fee and the fee due at the time the petition was filed, for a petition under 37 CFR 1.47 is \$200.

¹ The petition is labeled as a petition under 37 CFR 1.47(b). However, relief under **Error! Main Document Only.** 37 CFR 1.47(b) is only available when none of the inventors have signed an oath or declaration. Since at least one of the named inventors has executed a declaration, the petition is appropriately treated under 37 CFR 1.47(a). See MPEP 409.03(b).

Since the required petition fee has not been submitted, the merits of the petition will not be considered and the petition is dismissed.

Any request for reconsideration should include payment of the required \$200 petition fee.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.²
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

² General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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TWO NORTH MARKET STREET
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SAN JOSE, CA 95113

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SEP 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Irace et al.	:	
Application No. 12/054,291	:	Decision Refusing to Accord
Filed: March 24, 2008	:	Status Under 37 CFR 1.47(a)
Attorney Docket No. VISH-IR231	:	
For: Semiconductor Device with Buffer	:	
Layer	:	

This is a decision on the renewed petition under 37 CFR 1.47(a) filed September 11, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

BACKGROUND

The instant application was filed March 24, 2008.

The application papers filed March 24, 2008, included an application data sheet ("ADS").

The ADS identifies the following six inventors:

1. Andrea Irace ("Inventor 1"),
2. Giovanni Breglio ("Inventor 2"),
3. Paolo Spirito ("Inventor 3"),
4. Andrea Bricconi ("Inventor 4"),
5. Diego Raffo ("Inventor 5"), and
6. Luigi Merlin ("Inventor 6").

The address information for Inventors 1-3 was incomplete in so far as the address information for each of the first three inventors does not identify a postal code.

The ADS does not identify a mailing address for Inventor 5.

The ADS does not identify a mailing address for Inventor 6.

A petition under 37 CFR 1.47 was filed November 6, 2008. The papers filed with the petition included:

1. A copy of the *first* page of the declaration,
2. A copy of the *second* page of the declaration, which:
 - A. Lists Inventors 1-4,
 - B. Is signed by Inventor 4, and
 - C. Includes the language "Page 2" in a footer section,
3. A copy of the *second* page of the declaration, which:
 - A. Lists Inventors 1-4,
 - B. Is signed by Inventors 1-3, and
 - C. Includes the language "Page 2" in a footer section,
4. A copy of the *third* page of the declaration, which:
 - A. Is in landscape orientation,
 - B. Lists Inventors 5-6,
 - C. Is signed by Inventor 6,
 - D. Includes illegible, undated, and non-initialed changes to the address information for Inventor 6, and
 - E. Does not include a footer section,
5. A copy of the *third* page of the declaration, which:
 - A. Is in portrait orientation,
 - B. Lists Inventors 5-6,
 - C. Is not signed or annotated, and
 - D. Includes the language "Page 3" in a footer section, and

The address information for Inventors 1-3 was incomplete on both copies of the second page of the declaration in so far as the address information for each of the first three inventors does not identify a postal code.

Neither copy of the second page of the declaration identifies a mailing address for Inventor 5.

Both copies of the third page of the declaration include a typed mailing address for Inventor 6. However, the typewritten address for Inventor 6 on the copy of the page signed by Inventor 6 has been "marked-out" and replaced with an illegible, handwritten address.

Neither copy of the third page of the declaration is signed by Inventor 5.

The November 6, 2008 petition indicated copies of the application and a declaration were mailed to Inventor 5 on several occasions. The petition also indicated Inventor 5 had not responded to any of the papers mailed to Inventor 5.

The Office mailed a decision dismissing the November 6, 2008 petition on July 19, 2011. The decision stated,

The Office will not consider the merits of a petition absent payment of the required petition fee.

The petition states, "Enclosed is a check for the petition fee of \$130.00." However, Office records fail to indicate the Office received \$130 for the petition fee. In addition, the current required fee and the fee due at the time the petition was filed, for a petition under 37 CFR 1.47 is \$200.

Since the required petition fee has not been submitted, the merits of the petition will not be considered and the petition is dismissed.

A payment of \$200 for the petition fee was submitted on August 10, 2011.

A second payment of \$200 and the instant request for reconsideration were filed September 11, 2011.

ANALYSIS

A grantable petition under 37 CFR 1.47(a) requires

- (1) Proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
- (2) A proper oath or declaration executed by the available joint inventor(s),
- (3) The fee of \$200 as specified in 37 CFR 1.17(g), and
- (4) The last known address of the non-signing inventor(s).

The instant petition fails to satisfy requirements (1) and (2) set forth above.

The Petition Fails to Include Sufficient Evidence to Demonstrate Constructive Refusal to Sign the Declaration.

MPEP 409.03(d)(I) states, with emphasis added,

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.

MPEP 409.03(d)(II) states, "If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted."

The petition does not include copies of all relevant documentary evidence. Specifically, the petition does not include a copy of any of the cover letters mailed to Inventor 5. Therefore, the current record is insufficient to demonstrate constructive refusal by Inventor 5 to sign the declaration.

Any request for reconsideration should include a copy of *at least* one of the cover letters mailed to Inventor 5.

The Declaration is Improper.

The declaration is improper for three reasons:

1. The declaration fails to properly set forth a mailing address for every inventor,
2. The "declaration" filed with the petition consists of portions of separate declarations combined into a single document, and
3. The declaration includes a non-dated and non-initialed alteration.

The Declaration Fails to Properly Identify a Mailing Address for Each Inventor.

37 CFR 1.63(c) states,

Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify ... [the] mailing address [for each inventor.]

The ADS does not include a mailing address for Inventors 5 and 6, and the mailing address information on the ADS for Inventors 1-3 is incomplete. Therefore, pursuant to 37 CFR 1.63(c), the declaration is improper unless the declaration includes mailing address information for Inventors 1-3, 5, and 6.

The address information on the declaration for Inventors 1-3 is incomplete. The declaration does not include address information for Inventor 5. The handwritten address for Inventor 6 on the third pages of the declaration is illegible.

In view of the prior discussion, the declaration fails to comply with 37 CFR 1.63(c) and is improper.

Any request for reconsideration should include one of the two following documents to resolve the previously identified problems with the declaration:

1. A supplemental ADS setting forth proper and complete mailing address information for each inventor, or

2. A supplemental declaration setting forth proper and complete mailing address information for each inventor

The "Declaration" Consists of Portions of Declarations Combined Into a Single Paper.

The declaration appears to consist of portions of several declarations. However, when inventors sign separate copies of a declaration, a full copy of each signed declaration must be filed. *See* MPEP 201.03(II)(B).

Example: A five-page declaration lists three inventors.

The third page of the declaration lists the first inventor.

The fourth page of the declaration lists the second inventor.

The fifth page of the declaration lists the third inventor.

Each of the inventors signs a different copy of the five-page declaration.

Based on the facts above, a party could *not* simply file five pages of declaration with the Office consisting of:

1. A copy of the first two pages of the declaration,
2. A copy of the third page signed by the first inventor,
3. A copy of the fourth page signed by the second inventor,
and
4. A copy of the fifth page signed by the third inventor.

Under the facts above, a party would need to submit 15 declaration pages consisting of:

1. A copy of the five-page declaration signed by the first inventor,
2. A copy of the five-page declaration signed by the second inventor, and
3. A copy of the five-page declaration signed by the third inventor.

Any request for reconsideration should include a complete copy of each declaration signed Inventors 1-4 and 6.

The Declaration Includes an Improper Alteration.

The Office will not accept oaths or declarations with non-initialed or non-dated alterations. The declaration includes a handwritten alteration to the mailing address information for

Inventor 6, and the alteration is neither initialed nor dated. Therefore, the declaration is improper. Since the alteration involves address information for Inventor 6, petitioner may file either an ADS or a supplemental declaration setting forth correct address information for Inventor 6 to correct any problems raised by the improper alteration.

One of the Declaration Pages is in Landscape Format.

The Office notes the copy of the declaration pages signed by Inventor 6 was submitted in landscape format. However, excluding a few exceptions which do not include declarations, papers filed with the Office must be submitted in portrait orientation. See 37 CFR 1.52(a)(1)(iii).

Petitioner should ensure all declaration pages submitted in response to the instant decision, or at any other time in the future, are submitted in portrait orientation.

CONCLUSION

In view of the prior discussion, the petition cannot be granted.

A petition fee of \$200 was required for the instant petition. The petition fee of \$200 was paid twice. Specifically, the petition fee was submitted on August 11, 2011, and on September 11, 2011. A refund of the excess \$200 submitted to the Office will be scheduled.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12054297	
Filing Date	24-Mar-2008	
First Named Inventor	Hendrik WESTRA	
Art Unit	3731	
Examiner Name	RYAN SEVERSON	
Attorney Docket Number	USGINZ00931	
Title	APPARATUS FOR GRASPING AND CINCHING TISSUE ANCHORS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		40518 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	USGI Medical, Inc.	
Address	1140 Calle Cordillera	
City	San Clemente	
State	CA	
Postal Code	92673	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Johney U. Han/
Name	Johney U. Han
Registration Number	45565



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 7, 2011

In re Application of :

Hendrik WESTRA

Application No : 12054297

Filed : 24-Mar-2008

Attorney Docket No : USGINZ00931

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 7, 2011

The request is **APPROVED**.

The request was signed by John U. Han (registration no. 45565) on behalf of all attorneys/agents associated with Customer Number 40518 . All attorneys/agents associated with Customer Number 40518 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name USGI Medical, Inc.
Name2
Address 1 1140 Calle Cordillera
Address 2
City San Clemente
State CA
Postal Code 92673
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 07 2011

OFFICE OF PETITIONS

**STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110**

In re Application of	:	
Rakib et al.	:	DECISION ON PETITION
Application No. 12/054,339	:	TO WITHDRAW
Filed: March 24, 2008	:	FROM RECORD
Attorney Docket No. NOVA-01700	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 2, 2010.


The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.


Liana Walsh
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Rakib et al.
Application No. 12/054,339
Filed: March 24, 2008
Attorney Docket No. NOVA-01700

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Diana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED

AUG 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Rakib et al.	:	DECISION ON PETITION
Application No. 12/054,339	:	TO WITHDRAW
Filed: March 24, 2008	:	FROM RECORD
Attorney Docket No. NOVA-01700	:	

This is a decision on the Request to Withdraw as Attorney or Agent of Record under 37 C.F.R. § 1.36(b), filed July 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by David R. Stevens on behalf of all attorneys/agents of record. All attorneys/agents have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee, NOVAFORA, INC., at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: NOVAFORA, INC.
2460 N. 1ST ST, SUITE 200
SAN JOSE CA 95131



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEPHEN E. ZWEIG
224 VISTA DE SIERRA
LOS GATOS CA 95030

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Application of
Rakib et al.
Application No. 12/054,339
Filed: March 24, 2008
Attorney Docket No. NOVA-01700

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:
:

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment/Reply, (2) the petition fee of \$930.00, and (3) a proper statement of unintentional delay.

As the Power of Attorney was only recently given to the petitioner, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2193 for further examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

MAILED

JUN 24 2011

OFFICE OF PETITIONS

In re Application of
Sanford Redlich
Application No. 12/054,347
Filed: March 24, 2008
Attorney Docket No. ATTUP0002

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**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Charles J. Kulas on behalf of all the practitioners of record associated with Customer Number 37490.

Customer Number 37490 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

cc: **SANFORD REDLICH, ATTUNE INTERACTIVE, INC.**
202 SOUTH ST. #3
SAUSALITO, CA 94965



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/054,347	03/24/2008	Sanford Redlich	ATTUP0002

37490

Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

CONFIRMATION NO. 5966
POWER OF ATTORNEY NOTICE



Date Mailed: 06/23/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/15/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/akelley-collier/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Bernard G. Koether

Application No. 12054360

Filed: March 24, 2008

Attorney Docket No. 67401US(50264)

:
:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-OCT-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450

MAILED

FEB 18 2011

OFFICE OF PETITIONS

Mr. Leo Stanger
382 Springfield Avenue
Summit, New Jersey 07901

In re Application of	:	
Herbert PERTEN et al.	:	DECISION GRANTING PETITION
Application No. 12/054,380	:	UNDER 37 CFR 1.137(b)
Filed: 24 March 2008	:	
Atty. Docket No.: 83643U3	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 7 January 2011, to revive the above-identified application ("Application").

The petition is **GRANTED**.

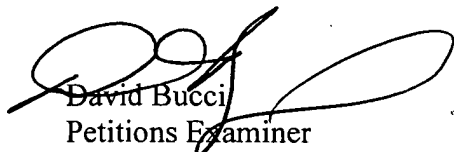
The Application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fees Due mailed 9 April 2010 ("Notice"), which set a reply period of three (3) months. As the fees and response were not received, the application thus became abandoned on 10 July 2010, with notification mailed 30 July 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of Issue fee payment, and replacement drawings, (2) a petition fee of \$810.00 (small entity), and (3) a Statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to the Office of Data Management for further processing of the allowed application.



David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/054,564	03/25/2008	William H. Eby	1421-327	6298

32905	7590	09/30/2010
JONDLE & ASSOCIATES P.C.		
858 HAPPY CANYON ROAD SUITE 230		
CASTLE ROCK, CO 80108		

EXAMINER	
KUBELIK, ANNE R	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
09/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 30 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/054,564

Filed: March 25, 2008

Attorney Docket No.: 1421-327

:
:
: PETITION DECISION
:
:

This is in response to the petition under 37 CFR § 1.59(b), filed September 24, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105 submitted to the Patent Office on July 30, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

JAN 13 2012

OFFICE OF PETITIONS

In re Application
Lucas D. Roenneburg et al.
Application No. 12/054,665
Filed: March 25, 2008
Attorney Docket No. 052546-0564

:
:
: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
:

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b) filed January 10, 2012. Applicant requests that the determination of patent term adjustment be corrected from 835 to 1065 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in Wyeth v. Kappos, 2009-1120 (Fed. Cir. 1-7-2010).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

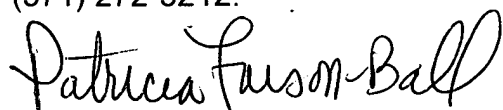
Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/054,708	03/25/2008	Yasuyuki MURAMATSU	90606.300/ta	6576
YAMAHA C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191			EXAMINER TORRES RUIZ, JOHALI ALEJANDRA	
7590 08/26/2010			ART UNIT PAPER NUMBER	
			2858	
			NOTIFICATION DATE DELIVERY MODE	
			08/26/2010 ELECTRONIC	

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Turner
Patent Publication Branch
Office of Data Management

12/054,708 03/25/2008

Refund Date: 08/26/2010

Refund Amount: \$510.00

Refund Date: 08/26/2010 REFUND
03/25/2008 INTERF: 03016636 12054708
v2 PC:1111 -510.00 OP

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12054718	
Filing Date	25-Mar-2008	
First Named Inventor	Sanjay Mistry	
Art Unit	1636	
Examiner Name	JENNIFER DUNSTON	
Attorney Docket Number	026038.0205C1US	
Title	REPAIR AND REGENERATION OF OCULAR TISSUE USING POSTPARTUM-DERIVED CELLS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32042
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 27777		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Scott A. Chambers/	
Name	Scott A. Chambers	
Registration Number	37573	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 14, 2012

In re Application of :

Sanjay Mistry

Application No : 12054718

Filed : 25-Mar-2008

Attorney Docket No : 026038.0205C1US

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Customer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27777 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUGHRUE-265550
2100 PENNSYLVANIA AVE., NW
WASHINGTON DC 20037-3213

MAILED

AUG 01 2011

In re Application of
Shuhel Yamaguchi
Application No. 12/054,731
Filed: March 25, 2008
Attorney Docket No. Q107383

:
:
: **OFFICE OF PETITIONS**
: **DECISION GRANTING PETITION**
: **UNDER 37 CFR 1.313(c)(2)**
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 22, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1722 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12054732	
Filing Date	25-Mar-2008	
First Named Inventor	Yutaka MIKURIYA	
Art Unit	3663	
Examiner Name	SHELLEY CHEN	
Attorney Docket Number	023971-0712	
Title	STEERING APPARATUS, AUTOMOTIVE VEHICLE WITH THE SAME, AND STEERING CONTROL METHOD	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Glenn Law/
Name	Glenn Law
Registration Number	34371



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 12, 2012

In re Application of :

Yutaka MIKURIYA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12054732

Filed : 25-Mar-2008

Attorney Docket No : 023971-0712

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 12, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3663 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

MAILED

AUG 09 2010

OFFICE OF PETITIONS

In re Application of
Grable, et al.
Application No. 12/054,734
Filed: March 25, 2008
Attorney Docket No. **BAE-12502/15**

ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 1, 2010, to accept an unintentionally delayed claim under 35 U.S.C § 120 for the benefit of priority to the prior –filed non-provisional application set forth in the amendment filed concurrently with the instant petition.

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on, or after, November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

1. the reference required by 35 U.S.C § 120 and 37 CFR § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
2. the surcharge set forth in § 1.17(t), and
3. a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending application was filed on March 25, 2008, and was pending at the time of the filing of the instant petition. A reference to the prior-filed nonprovisional application has been included in an amendment to the first page of the specification, as required by 37 CFR 1.78(a)(2)(iii). The supplemental Application Data Sheet, filed April 1, 2010, also includes a reference the prior-filed non-provisional application.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior filed application was submitted during the pendency of the instant nonprovisional application for which the claim for benefit of priority is sought. See 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for benefit of priority under 35 U.S.C. § 120 to the prior-filed non-provisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Deposit account 07-1180 will be charged \$1,410.00 for the surcharge set forth in 37 CFR § 1.17(t).

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

This matter is being referred to Technology Center 3600, Art Unit 3612 for appropriate action on the amendment filed April 1, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed non-provisional application.

Chris Bottorff
Supervisor
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/054,734	03/25/2008	3612	510	BAE-12502/15	23	3

CONFIRMATION NO. 6623

CORRECTED FILING RECEIPT



OC000000042955846

25006

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

Date Mailed: 08/09/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David Grable, Clinton Township, MI;
Tavis Lutzka, Davisberg, MI;
Stephen C. Bruck, Howell, MI;
Stanley D. Pacolt, Wixom, MI;

Assignment For Published Patent Application

BAE Industries, Inc., Centerline, MI

Power of Attorney: The patent practitioners associated with Customer Number 25006

Domestic Priority data as claimed by applicant

This application is a CIP of 11/247,638 10/11/2005 PAT 7,434,862

Foreign Applications

If Required, Foreign Filing License Granted: 04/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/054,734**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

DUAL LATCH SECOND ROW DUMP AND TUMBLE SEAT WITH OFFSETTING FREE PIVOT
SEATBACK AND FLOOR LATCHES

Preliminary Class

296

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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**BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104**

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application: :
Abraham Oommen :
Application No. 12/054,839 : **ON PETITION**
Filed: March 25, 2008 :
Attorney Docket No. NEOGEN 4. 1-70 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 18, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Steven M. Parks
Butzel Long
110 W. Michigan Avenue, Suite 1100
Lansing, MI 48933



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SHEEHAN PHINNEY BASS & GREEN, PA
C/O PETER NIEVES
1000 ELM STREET
MANCHESTER NH 03105-3701

MAILED

DEC 15 2010

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

In re Application of
Raviv Knoller, et al.
Application No. 12/054,937
Filed: March 25, 2008
Attorney Docket No. 18098-6102

:
:
:
:
:
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ADS-VANTAGE, LTD.
30 EMEK AYALON AVENUE, POB 1691
SHOHAM, IL 60850



UNITED STATES PATENT AND TRADEMARK OFFICE

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**LARSON NEWMAN, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730**

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of :
Jason A. Shepherd :
Application No. 12/055,013 : **DECISION ON PETITION**
Filed: March 25, 2008 :
Attorney Docket No. DC-13864 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 27, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 25, 2011. Accordingly, the date of abandonment of this application is June 28, 2011. A Notice of Abandonment was mailed July 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510.00 and the publication fee of \$300.00, (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 25, 2011

TO SPE OF : ART UNIT 2627 SPE.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/055,107 Patent No.: 7,599,205 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

In claim 30, Column 24, line 34, should "A memory device for use with a memory bus, the memory bus comprising" be changed to read "A memory device for use with a memory bus, the memory device comprising" as requested by applicant?
See COCIN dated 10-21-2011

Antonio Johnson

Certificates of Correction Branch
(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

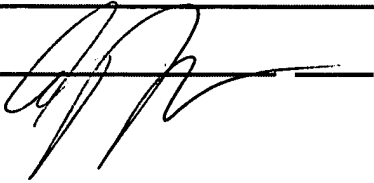
Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

A handwritten signature, possibly "APR", is written over a horizontal line.

SPE 2827 Art Unit 2827



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STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10038

MAILED

JAN 24 2012

OFFICE OF PETITIONS

In re Application of :
Cesar Bandera, et al. :
Application No. 12/055,123 : **DECISION ON PETITION**
Filed: March 25, 2008 :
Attorney Docket No. 002954/0002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 2011, to revive the above-identified application.


This application became abandoned for failure to timely pay the issue and publication fees on or before October 11, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 11, 2011. Accordingly, the date of abandonment of this application is October 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870 and the publication fee of \$300, (2) the petition fee of \$930; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.


April M. Wise
Petitions Examiner
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/055,169	Filing date:	March 25, 2008
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First Named Inventor:	Nicholas Kauser et al.
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Title of the Invention:	System and Method for Condensed Frequency Reuse in a Wireless Communication System
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/058278

The international date of the corresponding PCT application(s) is/are: 03/26/2008

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/055,169
First Named Inventor:	Nicolas Kauser et al.

- ☐ Is attached
- ☒ Has already been filed in the above-identified U.S. application on September 16, 2010

- ☐ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on _____

[illegible]

Signature	/Michael J. Donohue, Reg. No. 35,859/	Date	November 4, 2010
Name (Print/Typed)	Michael J. Donohue	Registration Number	35859

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,169	03/25/2008	Peter Gelbman	65187-870	7343
22504 7590 12/14/2010 DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045			EXAMINER TAHA, SHAQ	
			ART UNIT 2478	PAPER NUMBER
			NOTIFICATION DATE 12/14/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

seapatentdocket@dwt.com



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DAVIS WRIGHT TREMAINE, LLP/Seattle
1201 Third Avenue, Suite 2200
SEATTLE WA 98101-3045

In re Application of: GELBMAN, PETER et al.
Application No. 12055169
Filed: March 25, 2008
For: SYSTEM AND METHOD FOR
CONDENSED FREQUENCY REUSE IN A
WIRELESS COMMUNICATION SYSTEM

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

MAILED

DEC 14 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 4, 2010, to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.
- (3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.
- (4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.
- (5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.
- (6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.
- (7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, PER) of the PCT.
- (8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition fail to meet the requirement of items (3) and (7) above. With respect to item (3), the claims in the U.S. application do not sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest work product of the corresponding PCT application. The claims are not identical as the PCT-PPH request states. With respect to item (7), Applicant failed to submit an information disclosure statement (IDS) listing the document cited in the international work products of the PCT and a copy of the document. The document in question is "KR 10-2005-0048261 A (ELECTRONICS AND TELECOMMUNICATIONS RESEARCH INSTITUTE) 24 May 2005" which is cited in the PCT written opinion.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

ELECTRONIC SUBMISSION
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nicolas Kauser et al.
Application No. : 12/055,169
Filed : March 25, 2008
For : SYSTEM AND METHOD FOR CONDENSED FREQUENCY
REUSE IN A WIRELESS COMMUNICATION SYSTEM

Art Unit : 2617
Docket No. : 65187-34US0
Date : December 29, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Commissioner for Patents:

REQUEST FOR RECONSIDERATION

On November 4, 2010, the applicants filed a Request for Participation in the Patent Cooperation Treaty – Patent Prosecution Highway (PCT-PPH) Program. On December 14, 2010, the Patent Office mailed a decision on the request, dismissing the petition for failure to meet the requirements of Items (3) and (7). The applicants respectfully request reconsideration and allowance of the petition for the reasons indicated below.

With respect to Item (3), the claims in the pending U.S. application are identical to the claims indicated as having novelty, inventive step and industrial applicability and free from any observation described in Box VIII cited in the latest work product of the corresponding PCT application. The applicants' attorney discussed the claims with Mr. Hassan Kizou, Quality Assurance Specialist for Technology Center 2400 on December 23, 2010. Mr. Kizou confirmed that the claims are identical and believed that a clerical error led to the retrieval of an incorrect PCT patent application with which the claims of the pending application were compared. Accordingly, the applicants believe that the pending claims meet the requirements of Item (3).

With respect to Item (7), the applicants note that an Information Disclosure Statement filed on September 16, 2008 included four references cited in the International Search Report (ISR) from the corresponding PCT application. For the sake of completeness, the ISR and International Preliminary Examination Report (IPER) of the International Searching Authority, dated August 13, 2008 is attached herewith.

The Request for Participation in the PCT-PPH included a copy of the PCT Preliminary Report on Patentability (IPRP), but did not include a copy of the original IPER/ISR. The International Bureau did not republish the ISR with the IPRP. They did republish the Written Opinion which discussed the most relevant reference found in the ISR. The applicants respectfully note that the reference cited in the IPRP (KR 10-2005-0048261 A) has an international counterpart WO 0225-050873 A1, which was disclosed in the Information Disclosure Statement of September 16, 2008. Thus, all references cited in the corresponding international case have been made of record in the U.S. case and a copy of the original ISR/IPRP is enclosed.

Therefore, the applicants believe that the Request for Participation in the PCT-PPH have been met. The applicants respectfully request reconsideration of the Request to Participate in the PCT-PPH.

Respectfully submitted,
Nicolas Kauser et al.
Davis Wright Tremaine LLP

/Michael J. Donohue, Reg. # 35859/
Michael J. Donohue

MJD:mn

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,169	03/25/2008	Peter Gelbman	65187-34US0	7343
22504	7590	01/26/2011		
DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045			EXAMINER TAHA, SHAQ	
			ART UNIT 2478	PAPER NUMBER
			NOTIFICATION DATE 01/26/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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DAVIS WRIGHT TREMAINE, LLP/Seattle
1201 Third Avenue, Suite 2200
SEATTLE WA 98101-3045

In re Application of: GELBMAN, PETER et al.
Application No. 12055169
Filed: March 25, 2008
For: SYSTEM AND METHOD FOR
CONDENSED FREQUENCY REUSE IN A
WIRELESS COMMUNICATION SYSTEM

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d) **MAILED**

JAN 26 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the renewed request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 29, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.
- (3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.
- (4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.
- (5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.
- (6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.
- (7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, PER) of the PCT.
- (8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The original request to participate in the PCT-PPH program and petition were dismissed for failure to meet the requirement of items (3) and (7) above. But after further review, the following facts have been established: With respect to item (3), the claims in the U.S. application were found identical to the claims indicated as having novelty, inventive step and industrial applicability in the latest work product of the corresponding PCT application. With respect to item (7), while the IDS does not list the document "KR 10-2005-0048261 A" which is cited in the PCT written opinion, the IDS does cite "WO 2005-050873 A1" which is a patent family member of "KR 10-2005-0048261 A". A copy of "WO 2005-050873 A1" was submitted with the IDS.

The request to participate in the PCT-PPH program and petition are therefore found to meet all the PCT-PPH requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,378	03/26/2008	Bryan S. WILCOX	P0027027.00	7686
62644	7590	03/09/2011		
MEDTRONIC			EXAMINER	
Attn: Noreen Johnson - IP Legal Department			KOSTELNIK, SUMMER LEIGH	
2600 Sofamor Danek Drive				
MEMPHIS, TN 38132			ART UNIT	PAPER NUMBER
			3733	
			MAIL DATE	DELIVERY MODE
			03/09/2011	PAPER

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The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12055378	3/26/2008	WILCOX ET AL.	P0027027.00

MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

EXAMINER

SUMMER L. KOSTELNIK

ART UNIT	PAPER
3733	20110308

DATE MAILED:

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Commissioner for Patents

In view of the papers filed July 7, 2008, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding David Lee Tatge to the inventive entity, previously consisting of Bryan S. Wilcox and Rodney R. Ballard.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMMER L. KOSTELNIK whose telephone number is (571)270-5339. The examiner can normally be reached on M-F 7:30-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo C. Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Henry Yuen/
Supervisory Patent Examiner, TC 3700

3/9/11



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THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON, TX 77057

MAILED

MAR 26 2011

OFFICE OF PETITIONS

In re Application of
Michael C. Robertson et al
Application No. 12/055,434
Filed: March 26, 2008
Attorney Docket No. MCR-017

:
:
:
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ON PETITION


This is a decision on the petition under 37 CFR 1.137(b), filed February 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 10, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on August 11, 2010.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3676 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,438	03/26/2008	Shintaro Iwatani	US-254	7791
38108	7590	07/11/2011	EXAMINER	
CERMAK NAKAJIMA LLP			HUTSON, RICHARD G	
ACS LLC			ART UNIT	
127 S. Peyton Street			PAPER NUMBER	
Suite 210			1652	
ALEXANDRIA, VA 22314			NOTIFICATION DATE	
			DELIVERY MODE	
			07/11/2011	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cgoode@cermaknakajima.com
ip@cermaknakajima.com
scermak@cermaknakajima.com



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JUL 11 2011

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CERNAK NAKAJIMA LLP
127 S. Peyton Street
Alexandria, Virginia 22314

In re Application of
Iwatani et al.
Serial No.: 12/055,438
Filed: March 26, 2008
Attorney Docket No.: U.S.-254

Decision on Petition

This letter is in response to the Petition of March 28, 2011 under 37 CFR 1.144 to request the supervisory authority of the Commissioner in a matter involving an *ex parte* restriction requirement.

BACKGROUND

On March 26, 2008, the present application was filed as continuation of PCT application PCT/JP2006/322694. The application was filed with 13 claims.

On September 23, 2010 the examiner issued a Requirement for Restriction ("Requirement") requiring an election of one of three genes (*evgA*, *gadE*, and *ydeO*) identified in claim 1.

On October 25, 2010, applicant submitted a Response to Requirement for Restriction ("Election") in which the *evgA* gene was elected. In addition to the election, applicant traversed the restriction on the grounds that the presented claim is a Markush claim, and that the Requirement improperly requires a restriction among the members of the Markush claim.

On December 28, 2010, the examiner mailed a first action on the merits ("First action") in which the examiner acknowledged the applicant's election, and responds to applicant's arguments in traversal making the restriction requirement Final. No claims were identified as withdrawn. In the First action, the examiner made a rejection under 35 USC 112, paragraph 2 for indefiniteness, and made a single art rejection applied to each of the pending claims.

The Applicant submitted the Petition at issue requesting withdrawal of the Requirement and a response to the First action on March 28, 2011.

DISCUSSION

The application, file history, and petition filed on February 4, 2011 to request review of the restriction requirement has been considered.

In the petition, the applicant presents three arguments requesting that the restriction requirement be withdrawn, or at least that the requirement be treated in accordance with Markush claim practice as described in MPEP 803.02.

The applicant first argues that the restriction was procedurally improper on the basis that it did not permit for the election of combinations of the three genes. In view of the fact that the applicant chose to elect one of the specific genes, rather than a combination of the genes, this argument is not found sufficient to withdraw the Requirement.

The applicant's second two arguments assert that the restriction requirement was substantively improper.

The more general of these arguments is an assertion by the applicant that the claimed inventions should be treated under Markush practice as set forth in MPEP 803.02. More specifically, the applicant asserts that claim 1 should be treated as a Markush claim.

It is noted that, on page 4 of the First action, the examiner responded to similar assertions in the Election by asserting that there was no linking claim in the present case. However, this does not address the issue as to whether claim 1 should be treated as a Markush claim.

MPEP 803.02 indicates that a Markush-type claim recites alternatives in a format such as "selected from the group consisting of A, B, and C." This language is clearly present in lines 3-4 of claim 1 of the application, with the three genes (or combinations thereof) identified as the alternatives. With respect to such claims, the MPEP indicates that members of a Markush group "ordinarily must belong to a recognized physical or chemical class or to an art-recognized class. *However, when the Markush group occurs in a claim reciting a process or a combination (not a single compound), it is sufficient if the members of the group are disclosed in the specification to possess at least one property in common which is mainly responsible for their function in the claimed relationship, and it is clear from their very nature or from the prior art that all of them possess this property.*" (Emphasis added). In the present case, the applicant has made the case that the members of the Markush group in the present claims do meet this second test. See, Election page 2; Petition, page 3.

The MPEP further indicates that "it is improper for the Office to refuse to examine that which applicants regard as their invention, unless the subject matter in a claim lacks unity of invention," which exists where compounds in the Markush group "(1) share a common utility, and (2) share a substantial structural feature essential to that utility."

In the First action, the examiner asserts that the common function of the three genes is not reason to withdraw the restriction. However, in drawing this conclusion, the examiner appears to have misapplied the unity of invention test. The test is not intended to be based on the substantial structural feature of the individual members of the Markush group. Rather, the claimed inventions as wholes and not the individual elements must be considered. See, *In re Harnisch*, 206 U.S.P.Q. 300, at page 305 (CCPA 1980). In the present case, the compounds used in the claims are not the genes themselves, but bacterial cells into which one or more of these genes has been inserted. Thus, the Markush group includes a group of bacterial cells which have been modified to increase expression of one or more of these genes. This is a group which shares a substantial structural feature. As each of these cells has the ability to produce L-amino acids, the cells also share a common utility. Both prongs of the unity of invention test are therefore met by the present Markush claims.

In view of the above, applicant's assertions that the claims should be treated as Markush claims under MPEP 803.02 are therefore found persuasive.

The second of the arguments is an assertion by the applicant that the Requirement is substantively improper as the MPEP indicates that "If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits..." The applicant further asserts that, as there are only seven members of the Markush group, and as they are closely related (with respect to function), there would be no serious burden in examining each of the inventions together.

With respect to this argument, it appears that the different genes would prima facie require separate searches of the art. While the genes may be functionally related in the context of the claimed invention, they are not indicated to be structurally similar. It is noted that each of the gene species is further identified by dependent claims as encompassing a range of homologous sequences. Were applicant's petition in this respect to be granted, the examiner would be required to search not merely for the general knowledge of the genes, but for any of the potential gene sequences identified in these dependent claims. In view of this, the claims encompass more than even the 7 embodiments asserted by the applicant (which number of species is not necessarily considered to be sufficient few in number such that there is no serious burden).

Thus, as the examination of each of these species requires not only a search in the art for the indicated gene generally, but further examination with respect to the specific sequence and homologues thereof identified with respect to the separate genes in the dependent claim, the applicant's assertion that there would be no significant burden in the examination of each of the species is not found persuasive.

DECISION

For these reasons above, the petition under 37 C.F.R. 1.181 is **GRANTED IN PART**.


Unity of invention as applied in Markush practice is found to be present among the embodiments of claim 1. Therefore, the restriction requirement is reformulated as a provisional species election within a Markush claim.

The examiner is to examine claim 1 in accordance with Markush claim practice as described in MPEP section 803.02.

As there would be burden in the examination of each of the various species encompassed by the claim, the examiner is not required to treat this Markush group as encompassing a sufficiently few number of species so as to require search and examination of all of the members Markush group without the provisional species election.

A request for reconsideration for this petition decision should be filed under 37 CFR 1.181 within 2 months of the mailing date of this decision.

Should there be any questions regarding this decision, please contact Supervisory Patent Examiner Zachariah Lucas, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.

A handwritten signature in cursive script, reading "George C. Elliott".

George Elliott
Director, Technology Center 1600



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ELECTRO INDUSTRIES/GAUGETECH
C/O HESPOS & PORCO LLP
110 WEST 40TH STREET – SUITE 2501
NEW YORK, NY 10018

MAILED

JUL 05 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of
Tibor Banhegyesi
Application No. 12/055,448
Filed: March 26, 2008
Attorney Docket No. EI-21

This is a decision on the petition filed June 14, 2011 under 37 CFR 1.137(b), to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed November 18, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 19, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the formal drawing; (2) the petition fee; (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions

DATE : 09/09/11

Paper No.: _____

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/055,448 Patent No.: 7996171

CofC mailroom date: 08/23/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

RoChaun Hardwick
Certificates of Correction Branch
703-756-1580

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

All changes approved.

/Andrew Schechter/

2857

SPE

Art Unit



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MAILED

OCT 29 2010

OFFICE OF PETITIONS

PAUL AND PAUL
2000 MARKET STREET
SUITE 2900
PHILADELPHIA, PA 19103

In re Application of
Gregory F. Jacobs et al
Application No. 12/055,464
Filed: March 26, 2008
Attorney Docket No. 2007-303

ON PETITION

This is a decision on the petition, filed October 25, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 13, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3633 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,550	03/26/2008	Robert P. Morris	1511/US	7992
<div>49277 7590 03/25/2011</div> <div>SCENERA RESEARCH, LLC</div> <div>5400 Trinity Road</div> <div>Suite 303</div> <div>Raleigh, NC 27607</div>				
			<div>EXAMINER</div> <div>DAM, TUAN QUANG</div>	
			<div>ART UNIT</div> <div>2192</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>03/25/2011</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/055,550	3/26/2008	MORRIS, ROBERT P.	1511/US

EXAMINER

GAIL O. HAYES

ART UNIT	PAPER
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2100

20100930

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Pursuant to applicant's requests filed on 16 July 2010 and 24 January 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3591

/Gail O. Hayes/
Gail Hayes, SPRE/QAS
Technology Center 2100
Computer Architecture and Software



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John A. Demos
SCENERA RESEARCH, LLC
5400 TRINITY ROAD
SUITE 303
RALEIGH, NC 27607

July 18, 2011

In re Application of:
Robert P. MORRIS
Appl. No.: 12/055,550

Filed: March 26, 2008
For: METHOD AND SYSTEMS FOR INVOKING AN ADVICE
OPERATION ASSOCIATED WITH A JOINPOINT

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petitions for suspension of prosecution under 37 CFR § 1.103(a) filed on June 24, 2011.

The petition is **GRANTED**.

Pursuant to applicant's request filed on June 24, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of *three (3) months from the mailing date of this letter*. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned (or name of the TQAS) whose telephone number is (571) 272-3591.

/Gail Hayes/
Gail Hayes, SPRE/QAS
Technology Center 2100
Computer Architecture and Software



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,550	03/26/2008	Robert P. Morris	1511/US	7992
49277 7590 07/20/2011 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607				
			EXAMINER DAM, TUAN QUANG	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 07/20/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,550	03/26/2008	Robert P. Morris	1511/US	7992
49277	7590	07/20/2011	EXAMINER	
SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			DAM, TUAN QUANG	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 07/20/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,550	03/26/2008	Robert P. Morris	1511/US	7992
49277 7590 12/14/2011 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			EXAMINER DAM, TUAN QUANG	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 12/14/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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John A. Demos
SCENERA RESEARCH, LLC
5400 TRINITY ROAD
SUITE 303
RALEIGH, NC 27607

December 12, 2011

In re Application of:
Robert P. MORRIS
Appl. No.: 12/055,550

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

Filed: March 26, 2008
For: METHOD AND SYSTEMS FOR INVOKING AN ADVICE
OPERATION ASSOCIATED WITH A JOINPOINT

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on October 24, 2011.

The petition is **GRANTED** and the application identified above is suspended for three (3) months from the mailing date of this letter.

Pursuant to applicant's request filed on June 24, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of *three (3) months from the mailing date of this letter*. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned (or name of the TQAS) whose telephone number is (571) 272-3591.

/Gail Hayes/
Gail Hayes, SPRE/QAS
Technology Center 2100
Computer Architecture and Software



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,550	03/26/2008	Robert P. Morris	1511/US	7992
49277 7590 03/22/2012 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			EXAMINER DAO, THUY CHAN	
			ART UNIT	PAPER NUMBER
			2192	
			MAIL DATE	DELIVERY MODE
			03/22/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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John Demos
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of:
Robert P. MORRIS
Appl. No.: 12/055,550
Filed: March 26, 2008
For: METHOD AND SYSTEMS FOR INVOKING AN ADVICE
OPERATION ASSOCIATED WITH A JOINPOINT

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on 21 March 2012.

The petition is **GRANTED**.

Pursuant to applicant's request filed on 21 March 2012, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, QAS
Technology Center 2100
Computer Architecture and Software

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 17388/69970	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2009/036882	International filing date (<i>day/month/year</i>) 12 March 2009 (12.03.2009)	Priority date (<i>day/month/year</i>) 26 March 2008 (26.03.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SEMISOUTH LABORATORIES, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 28 September 2010 (28.09.2010) Authorized officer <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Nora Lindner</div> e-mail: pt11.pct@wipo.int
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: RAIMUND CHRISTOPHER M. 1333 H STREET, N.W., SUITE 820 WASHINGTON DC 20005 USA
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 16 JUNE 2009 (16.06.2009)	
Applicant's or agent's file reference 17388/6997O	FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US2009/036882	International filing date (day/month/year) 12 MARCH 2009 (12.03.2009)
Priority date(day/month/year) 26 MARCH 2008 (26.03.2008)	
International Patent Classification (IPC) or both national classification and IPC <i>C30B 23/06(2006.01)i, C30B 29/36(2006.01)i</i>	
Applicant SEMISOUTH LABORATORIES, INC. et al	

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140	Date of completion of this opinion 15 JUNE 2009 (15.06.2009)	Authorized officer PARK, Hyung Dal Telephone No.82-42-481-5581
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/036882

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2009/036882

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-20	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-20	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	NONE	NO

2. Citations and explanations :

The following documents have been considered for the purposes of this opinion:

D1: US 4865659 A (12 Sep 1989)
D2: JP 2007-081144 A (29 Mar 2007)
D3: JP 2002-514355 A (14 May 2002)

1. Novelty and Inventive Step

1-1. Claims 1 and 17-19

The subject matter of claims 1 and 17-19 discloses a method for epitaxial growth on low degree off-axis a SiC substrate and semiconductor devices made thereby, characterized by an inclined angle(1-3° of the SiC substrate, a first temperature(at least 1400 °C) and a heat rate(at least 30 °C/min.)

These technical features of claims 1 and 17-19 are not shown in any other prior art documents D1-D3, nor general knowledge of a person skilled in the art.

Accordingly, the subject matter of claims 1 and 17-19 is not anticipated by the prior art, nor obvious to a person skilled in the art.

Therefore, claims 1 and 17-19 are considered to be novel and to involve an inventive step under PCT Article 33(2)-(3).

1-2. Claims 2-16 and 20

Claims 2-16 and 20 are dependent on claim 1 and 19. Consequently they are also considered to be novel and to involve an inventive step under PCT Article 33(2)-(3).

2. Industrial Applicability

Claims 1-20 are industrially applicable because it can be used in a semiconductor device industry under PCT Article 33(4).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/036882

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 20 do not meet the requirements of PCT Article 6 in that claim 20 relates to the method of claim 19, but claim 20 is described as dependent on claim 18, which leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (PCT Article 6).

Figures 1A-2D do not fall under the scope of the present claims. This contradiction between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (PCT Article 6).

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/055,725	Filing date:	March 26, 2008
First Named Inventor:	Jie ZHANG		
Title of the Invention: Epitaxial Growth on Low Degree Off-Axis SiC Substrates and Semiconductor Devices Made Thereby			
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFSS_HELP.HTML			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT PCT/US2009/036682
application number(s) is/are:**

**The international date of the corresponding
PCT application(s) is/are:** March 12, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/055,725
------------------	------------

First Named Inventor:	Jie ZHANG
-----------------------	-----------

- ☐ **WORKSHEET, WORKSHEET**
Is attached

July 14, 2009

- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.

July 14, 2009

Have already been filed in the above-identified U.S. application on

[illegible]

Signature /Christopher W. Raimund/

Date October 25, 2010

Name (Print/Typed) Christopher W. Raimund

Registration Number 47,258

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

WHAT IS CLAIMED IS:

1. A method comprising:
heating a single-crystal SiC substrate to a first temperature of at least 1400° C in a chamber;
introducing a carrier gas, a silicon containing gas and carbon containing gas into the chamber; and
epitaxially growing a layer of SiC on a surface of the SiC substrate;
wherein the SiC substrate is heated to the first temperature at a rate of at least 30° C/minute; and
wherein the surface of the SiC substrate is inclined at an angle of from 1° to 3° with respect to a basal plane of the substrate material.
2. The method of Claim 1, wherein the first temperature is 1570 to 1575° C.
3. The method of Claim 1, wherein the carrier gas is H₂, the silicon containing gas is SiH₄ and wherein the carbon containing gas is C₃H₈.
4. The method of Claim 1, wherein the H₂ gas is introduced into the chamber at a flow rate of 50-75 slm, the SiH₄ gas is introduced into the chamber at a flow rate of 30-40 sccm and the C₃H₈ is introduced into the chamber at a flow rate of 15-20 sccm.
5. The method of Claim 1, wherein HCl gas is introduced into the chamber during epitaxial growth.
6. The method of Claim 1, wherein the pressure in the chamber during epitaxial growth is 90 to 110 mbar.
7. The method of Claim 1, wherein the surface of the SiC substrate is inclined at an angle of from 1° to 3° with respect to the (0001) plane of the substrate material.

8. The method of Claim 1, wherein the substrate is a 4H SiC substrate.
9. the method of Claim 7, wherein the surface of the SiC substrate is inclined at an angle of from 1° to 3° towards one of the [11 $\bar{2}$ 0] directions with respect to the (0001) plane of the substrate material.
10. The method of Claim 1, wherein the silicon containing gas and the carbon containing gas are introduced into the chamber such that the atomic ratio of carbon to silicon in the chamber during epitaxial growth is from 1.4 to 1.6.
11. The method of Claim 1, wherein the total defect count for the substrate and epitaxially grown layer is $< 40 \text{ cm}^{-2}$.
12. The method of Claim 1, wherein the average surface roughness of the erpitaxially grown layer as measured in an optical profilometer is 15 Angstroms or less.
13. The method of Claim 1, further comprising epitaxially growing one or more additional layers of SiC on the layer of SiC epitaxially grown on the SiC substrate.
14. The method of Claim 1, wherein the carrier gas, the silicon containing gas and the carbon containing gas are each introduced into the chamber at a constant flow rate during epitaxial growth and wherein the constant flow rate of each of the gases is established within 10 minutes of introducing any of the gases into the chamber.
15. The method of Claim 14, wherein the constant flow rate varies by no more than 5% during epitaxial growth.
16. The method of Claim 14, wherein the constant flow rate of each of the gases is established within 6 minutes of introducing any of the gases into the chamber.
17. A semiconductor device made by the method of Claim 1.
18. A semiconductor device made by the method of Claim 13.

19. A method comprising:

heating a single-crystal SiC substrate to a first temperature of at least 1400° C in a chamber;

introducing a carrier gas, a silicon containing gas and carbon containing gas into the chamber; and

epitaxially growing a layer of SiC on a surface of the SiC substrate;

wherein the surface of the SiC substrate is inclined at an angle of from 1° to 3° with respect to a basal plane of the substrate material;

wherein the carrier gas, the silicon containing gas and the carbon containing gas are each introduced into the chamber at a constant flow rate during epitaxial growth; and

wherein the constant flow rate of each of the gases is established within 10 minutes of introducing any of the gases into the chamber.

20. The method of Claim 18, wherein the constant flow rate varies by no more than 5% during epitaxial growth.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/055,725	03/26/2008	Jie Zhang	17388/65652	8324
24728 7590 01/11/2011 MORRIS MANNING MARTIN LLP 3343 PEACHTREE ROAD, NE 1600 ATLANTA FINANCIAL CENTER ATLANTA, GA 30326			EXAMINER KUNEMUND, ROBERT M	
			ART UNIT 1714	PAPER NUMBER
			NOTIFICATION DATE 01/11/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jxs@mmmlaw.com
ipdocket@mmmlaw.com
ppz@mmmlaw.com



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BC

January 10, 2011

In re application of	:	DECISION ON REQUEST TO
Jie Zhang	:	PARTICIPATE IN PATENT
Serial No. 12/055,725	:	PROSECUTION HIGHWAY
Filed: March 26, 2008	:	PROGRAM AND
For: EPITAXIAL GROWTH ON LOW	:	PETITION TO MAKE SPECIAL
DEGREE OFF-AXIS SIC SUBSTRATES AND	:	UNDER 37 CFR 1.102(a)
SEMICONDUCTOR DEVICES MADE THEREBY:	:	

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 25, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 12/055,725

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

In re Application of

Chen, et al.

Application No. 12/055,767

Filed: March 26, 2008

Attorney Docket No. **CE17430T**

MAILED
MAR 26 2012
OFFICE OF PETITIONS

: DECISION ON PETITION

:

This is a decision on the petition under 37 CFR 1.137(b), filed February 27, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 25, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on August 26, 2011. A Notice of Abandonment was mailed December 29, 2011.

The amendment filed February 27, 2012, is noted.

The application is being forwarded to Technology Center GAU 2478 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/2/2011 Paper No.:
 TO SPE OF : ART UNIT 3762
 SUBJECT : Request for Certificate of Correction for Appl. No.: 12/255817 Patent No.: 7881785 B2
 CofC mailroom date: 4/19/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
 Randolph Square – 9D10-A
 Palm Location 7580**

Virginia Tolbert
 Certificates of Correction Branch
 571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

 /Niketa Patel/

 3762

SPE

Art Unit



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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED
MAR 10 2011
OFFICE OF PETITIONS

In re Application of
Berg et al.
Application No. 12/055,996
Filed: March 26, 2008
Attorney Docket No. 655452000300

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

According to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. Acumem AB is not the current assignee of the above-identified application. Further, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application for the current assignee, the Office cannot change the correspondence address to the address on the Request to Withdraw. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 8089367 B2
Application No.: 12/056002
Inventor(s) : Locke, et al.
Issued : January 3, 2012
Attorney Docket No.: 22284-27

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P.) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1. 17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0025
ATTN: Office of Petitions

EFS-Web (Web-based Electronic Filing System) accessible through the Electronic Business Center (EBC)

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Tasneem Siddiqui

For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 04/06/2012

Address: Michael Tersillo
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard, Suite 1800
St. Louis, Missouri 63105

/ts



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JAN 18 2011

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www.uspto.gov

Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park CA 94025-1105

PCT LEGAL ADMINISTRATION

In re Application of :
BOECKER :
Application No. 12/056,017 : DECISION ON PETITION
Filed: March 26, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 38187-2898C2 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 03 August 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120.

The petition under 37 CFR 1.78(a)(3) is DISMISSED without prejudice.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may

require additional information where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) above.

The reference to add the prior-filed applications on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Therefore, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

It is also noted that the reference to "§3.71" in the first sentence of the specification is in error and should instead be "§371" or preferably "35 U.S.C. 371."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294.



Boris Milef
Senior Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

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December 16, 2011

ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

In re Application of	:	
Ramesh Bhatt et al.	:	DECISION ON PETITION
Application No. 12056151	:	
Filed: 3/26/2008	:	<i>ACCEPTANCE OF COLOR</i>
Attorney Docket No. SLN-0009	:	<i>DRAWINGS</i>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 3, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
EDWINA Dee JEFFERS

Application No. 12056188

Filed: March 26, 2008

Attorney Docket No. 355-01

:
:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 20-OCT-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

APR 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BONNAT :
Application No.: 12/056,203 :
Filing Date: 26 March 2008 : **DECISION**
Attorney's Docket No.: 19451US01 :
For: METHOD AND SYSTEM FOR PROCESS- :
SIGNALS FOR A MEMS DETECTOR THAT :
ENABLES CONTROL OF A DEVICE USING :
HUMAN BREATH :

This is a decision on Petitioner's Petition Under 37 CFR 1.78(a)(3), filed 16 August 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional applications 10/453,192 and 09/913,398.

At the time of filing the present application, applicant did not make a proper claim for domestic priority. Thus, the filing of a petition under 37 CFR 1.78(a)(3) is necessary. Such petition is hereby **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the

surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a statement of unintentional delay which is construed to mean that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. If this interpretation is incorrect, petitioner is required to promptly notify this office. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 to the prior-filed applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this instant application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1797 for consideration by the examiner, in due course, of applicant's entitlement to claim benefit of priority to the prior-filed applications.

/Boris Milef/

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/22/12

TO SPE OF : ART UNIT 2886

SUBJECT : Request for Certificate of Correction for Appl. No.: 12056262 Patent No.: 7952711

CofC mailroom date: 02/13/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes be made?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

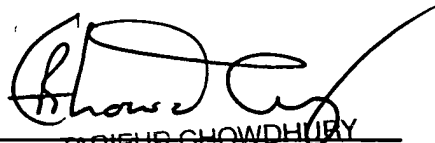
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



TARIFUR CHOWDHURY
SUPERVISORY PATENT EXAMINER

2886

SPE

Art Unit



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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

MAILED

NOV 01 2010

OFFICE OF PETITIONS

In re Patent No. 7,776,450 :
Issue Date: August 17, 2010 :
Application No. 12/056,370 : **DECISION ON PETITION**
Filed: March 27, 2008 :
Attorney Docket No. 011.2B-13921-US01 :

This is a decision on the Request For Certificate Of Correction Of Patent For PTO Mistake (37 CFR 1.322(a)), filed September 9, 2010, requesting correction, on the Title Page of the subject patent, to accept the omission for the second assignee's name. The Request is being treated as a petition under 37 CFR 1.322(a) for which no fee is required. A completed Certificate of Correction Form was submitted with the petition.

The petition under 37 CFR 1.322(a) is **GRANTED**.

Petitioner requests that the present Petition was submitted to add the second assignee's name omitted from the previously submitted PTOL-85b, filed July 22, 2010, and that such error was the USPTO.

Telephone inquiries related this communication should be directed to the undersigned at (571)272-3213. Inquiries regarding this issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571)272-4200.

The Certificates of Correction Branch will be notified of this decision granted the petition under 37 CFR 1.322(a) and directing issuance of the requested Certificate of Correction.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/056,444	03/27/2008	William H. Eby	1421-329	9576
32905	7590	06/08/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			KUBELIK, ANNE R	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			06/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 08 2011

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JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK CO 80108

In re Application of :
William H. Eby :
Serial No.: 12/056,444 : PETITION DECISION
Filed: March 27, 2008 :
Attorney Docket No.: 1421-329 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed June 3, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 30, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON DC 20006

MAILED
DEC 17 2010
OFFICE OF PETITIONS

In re Application of
Kim et al.
Application No. 12/056,474
Filed: 03/27/2008
Attorney Docket No. 104-1426

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on July 12, 2010, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on October 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee and publication fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

This matter is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/056,477	03/27/2008	Richard Anthony DiPietro	ARC920060065US2	9626
63822 7590 12/08/2010 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			EXAMINER HEINCER, LIAM J	
			ART UNIT 1767	PAPER NUMBER
			MAIL DATE 12/08/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

DEC 08 2010

Mailed :
In re Application of
DiPietro et al.
Serial No. 12/056,477
Filed: March 27, 2008
For: High Density Data Storage Medium, Method
And Device

: DECISION ON
: PETITION
:
:

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on October 7, 2010.

The Examiner initially required a restriction on July 6, 2009 between Group I, claims 1 and 5-7, drawn to a composition of matter, classified in class 528, subclass 125; Group II, claims 2-4 and 8-15 drawn to methods of using the composition classified in class 264, subclass 494 and Group III, claims 16-20, drawn to a data storage device, classified in class 364, subclass 154. Applicant elected Group I, claims 1 and 5-7

On March 23, 2010, the Examiner issued a Notice of Allowance which included an Examiner's Amendment, modifying claims 1 and 31 and cancelling claims 5 and 24-28. Authorization for this Examiner's Amendment was given by Applicant's representative. Applicants filed a RCE on April 29, 2010 and by amendment added new claims 37-48, amended claims 21-25, 31-34 and 36 and cancelled claims 26-28.

The Examiner in the Office Action of May 21, 2010 determined that claims 44-48 were directed to an invention that was independent or distinct from the invention originally claimed. The elected invention and claims 44-47 were related as product and process of use. Applicant has asserted that the Examiner did not give a reason for not examining claim 48. It appears that the Examiner did list claims 44-48 as being directed to an invention that is independent or distinct from the invention originally claimed. Method claim 48 depends from method claim 47 which depends from method claim 44. In view of claim 48 depending from claim 47, it appears that not listing claim 48 along with claims 44-47 in the next sentence is a typo. The reason for distinctiveness therefore that apply to claims 44-47 should also apply to claim 48.

A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process.

12/056,477

The burden is on the Examiner to provide an example, but the example need not be documented. The Examiner set forth that the product as claimed can be used in a materially different process of using that product, namely in a molding process without curing.

In response to the Examiner's restriction requirement, Applicants argue that claims 44-48 were directed to a particular process of use. Applicants, in the petition, assert that an uncured polymer placed into a mold, would not allow molding to take place and the polymer would still be in a non-cross-linked state and would simply spill out in to a shapeless mass when released from the mold.

Applicant has not established that the alternative use suggested by the Examiner cannot be accomplished. The Examiner has established a viable alternative use. Applicant's assertion that the process of using is limited to the claimed process is not germane to the requirements for restriction between a product and process of using the product. As the product as claimed can be used in a materially different process, the inventions are independent and distinct. See MPEP 806.05(h).

DECISION

The petition is **DENIED**.

W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

Anthony M. Palagonia
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07-07-11

TO SPE OF : ART UNIT 3672

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/056503 Patent No.: 7798238

CofC mailroom date: 06-21-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

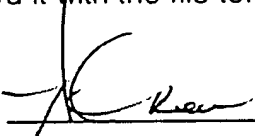
Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____



Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

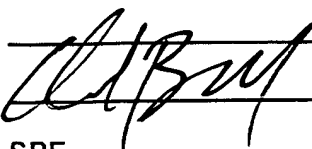
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
Art Unit

3672

SPE

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : 10/19/10

TO SPE OF : ART UNIT 1774 Attn: GRIFFIN WALTER D (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/056518 Patent No.: 7607817

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593

Thank You for Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: The petition is granted and the delayed claim for priority is accepted.

/Walter D. Griffin/
SPE

1774
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 9908

SERIAL NUMBER 12/056,632	FILING or 371(c) DATE 03/27/2008 RULE	CLASS 180	GROUP ART UNIT 3618	ATTORNEY DOCKET NO. P001202-RD-JMC / GM1400PU		
APPLICANTS Balarama V. Murty, West Bloomfield, MI; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 04/11/2008						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/JAMES J TRIGGS/</u> Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY MI	SHEETS DRAWINGS 3	TOTAL CLAIMS 19	INDEPENDENT CLAIMS 3
ADDRESS Quinn Law Group, PLLC 39555 Orchard Hill Place Suite 520 Novi, MI 48375 UNITED STATES						
TITLE System and Method of Differentiating Rotational Speed and Torque Between Wheels of a Hybrid Vehicle						
FILING FEE RECEIVED 1160	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees		
				<input type="checkbox"/> 1.16 Fees (Filing)		
				<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)		
				<input type="checkbox"/> 1.18 Fees (Issue)		
				<input type="checkbox"/> Other _____		
			<input type="checkbox"/> Credit			



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Paper No.

TAROLLI, SUNDHEIM, COVELL &
TUMMINO, LLP
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND OH 44114

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Han et al. : DECISION ON PETITION
Application No. 12/056,633 :
Filed: March 27, 2008 :
Atty Docket No. CWR-8583US PRI:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 21, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned effective June 19, 2010 for failure to file a timely reply to the final Office action mailed March 18, 2010. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). The filing of this petition precedes the mailing of a courtesy Notice of Abandonment.

The provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition includes a proposed reply in the form of an amendment, the required statement of unintentional delay and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required. However, the instant petition does not satisfy requirement (1) above.

As stated in MPEP 711.03(c),

A reply under 37 CFR 1.113 to a final action must include a request for continued examination (RCE) under 37 CFR 1.114 or cancellation of, or appeal from the rejection of, each claim so rejected. Accordingly, in a nonprovisional application abandoned for failure to reply to a final action, the reply required for consideration of a petition to revive must be:

- (A) a Notice of Appeal and appeal fee;
- (B) an amendment under 37 CFR 1.116 that cancels all the rejected claims or otherwise prima facie places the application in condition for allowance;
- (C) the filing of an RCE (accompanied by a submission that meets the reply requirements of 37 CFR 1.111 and the requisite fee) under 37 CFR 1.114 for utility or plant applications filed on or after June 8, 1995 (see paragraph (d) below); or
- (D) the filing of a continuing application under 37 CFR 1.53(b) (or a CPA under 37 CFR 1.53(d) if the application is a design application).

The amendment submitted does not place the application in condition for allowance. In view thereof, the petition must be dismissed. A courtesy copy of the Advisory Action is enclosed.

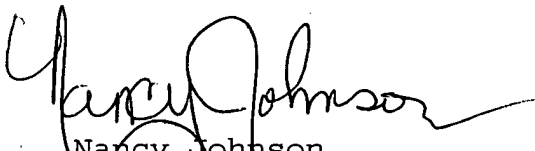
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a stylized, flowing script.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Courtesy Copy of Advisory Action (2 pages)

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/056,633	Applicant(s) HAN ET AL.	
	Examiner Young J. Kim	Art Unit 1637	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 7-11 and 13-16.
Claim(s) withdrawn from consideration: 18-24.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Young J Kim/
Primary Examiner, Art Unit 1637

Continuation of 3. NOTE: the Amendment now requires that the intergenic region between 16S and 23S rRNA region be amplified, whereas before the close of prosecution, such was not necessary. Such amendment would require new search consideration which was not required before. MPEP 714.13 states that Applicants cannot, as a matter of right, amend any finally rejected claims, except when an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some way requires only cursory review by the examiner. As stated above, the instant amendments raise new prior art issues, requiring more than a "cursory review." Therefore, the present amendment will not be entered.



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Paper No.

TAROLLI, SUNDHEIM, COVELL &
TUMMINO, LLP
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND OH 44114

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Han et al. : DECISION ON PETITION
Application No. 12/056,633 :
Filed: March 27, 2008 :
Atty Docket No. CWR-8583US PRI:

This is a decision on the renewed PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed January 27, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned effective June 19, 2010 for failure to file a timely reply to the final Office action mailed March 18, 2010. By decision mailed January 3, 2011, the initial petition under 37 CFR 1.137(b) was dismissed. The petition met the requirements of 37 CFR 1.137(b) except, the proposed reply was not sufficient to met the required reply requirement. The amendment submitted did not place the application in condition for allowance. Petitioner was supplied with a courtesy copy of the Advisory Action.

On instant renewed petition, it appears that petitioner submitted the same amendment. The examiner has confirmed that the amendment as filed on renewed petition continues to not place the application in condition for allowance. Petitioner's

attention is again directed to the Advisory Action supplied with the petition decision of January 3, 2011.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (571) 273-8300
 ATTN: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

TAROLLI, SUNDHEIM, COVELL &
TUMMINO, LLP
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND OH 44114

MAILED
JUN 23 2011
OFFICE OF PETITIONS

In re Application of :
Han et al. : DECISION ON PETITION
Application No. 12/056,633 :
Filed: March 27, 2008 :
Atty Docket No. CWR-8583US PRI:

This is a decision on the renewed PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed June 17, 2011.

The petition is GRANTED.

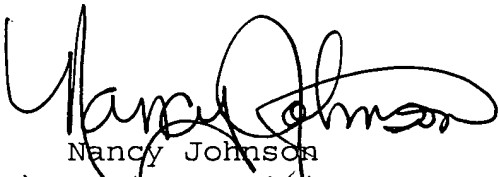
The above-identified application became abandoned effective June 19, 2010 for failure to file a timely reply to the final Office action mailed March 18, 2010. By decision mailed January 3, 2011, the initial petition under 37 CFR 1.137(b) was dismissed. The petition met the requirements of 37 CFR 1.137(b) except, the proposed reply was not sufficient to met the required reply requirement. The amendment submitted did not place the application in condition for allowance. Petitioner was supplied with a courtesy copy of the Advisory Action. By decision mailed May 16, 2011, the renewed petition filed January 27, 2011 was dismissed as petitioner submitted the same amendment and the examiner has confirmed that the amendment as filed on renewed petition continues to not place the application in condition for allowance.

On instant renewed petition, petitioner submitted a Request for Continued Examination (RCE) and submission under §1.114 (in the

form of an amendment) (and RCE fee). All requirements of 37 CFR 1.137(b) have now been met.

Technology Center AU 1637 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the RCE and submission submitted on June 17, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish extending from the end of the name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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APR 09 2012

OFFICE OF PETITIONS

In re Application of :
Daniel Mellen, et al. :
Application No. 12/056,723 : DECISION GRANTING PETITION
Filed: March 27, 2008 : UNDER 37 CFR 1.313(c)(2).
Attorney Docket No. 12587-098001 / 01912- :
00/U :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 6, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 2, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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SEP 27 2011

OFFICE OF PETITIONS

**ORGANON USA, INC.
c/o MERCK
2000 Galloping Hill Road
Mail Stop: K-6-1, 1990
Kenilworth NJ 07033**

In re Application of	:	
Josephus Hubertus Schoemaker	:	
Application No. 12/056,741	:	DECISION ON PETITION
Filed: March 27, 2008	:	
Attorney Docket No. 2007.005US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 5, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 6, 2011. The Notice of Abandonment was mailed August 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee submitted with the petition on August 30, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3769 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Susan L. Hess**
Merck, Sharp & Dohme, Corp.
126 E. Lincoln Avenue
Rahway, NJ 07065



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED
MAR 31 2011
OFFICE OF PETITIONS

In re Application of :
Kevin D. Coates :
Application Number: 12/056,939 : ON PETITION
Filing Date: 03/27/2008 :
Attorney Docket Number: TI- :
64901 :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on February 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

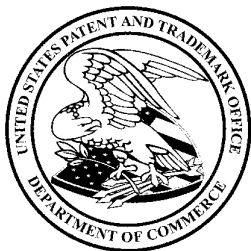
This application became abandoned on March 3, 2010, for failure to timely reply to the non-final Office action mailed on December 2, 2009, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on June 10, 2010.

Receipt of the amendment filed on February 10, 2011 is acknowledged.

The application is referred to Technology Center Art Unit 2894 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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Decision Date : July 1,2011

In re Application of :

Tibor Banhegyesi

DECISION ON PETITION
UNDER CFR 1.313(c)(2)

Application No : 12056955

Filed : 27-Mar-2008

Attorney Docket No : EI-9

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 1,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2857 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12056955	
Filing Date	27-Mar-2008	
First Named Inventor	Tibor Banhegyesi	
Art Unit	2857	
Examiner Name	BRYAN BUI	
Attorney Docket Number	EI-9	
Title	INTELLIGENT ELECTRONIC DEVICE AND METHOD THEREOF	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Michael J. Porco/
Name	Michael J. Porco
Registration Number	46007



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MINNEAPOLIS, MN 55402

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JAN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Reynolds W. Guyer, et al.	:	
Application No. 12/056,957	:	ON PETITION
Filed: March 27, 2008	:	
Attorney Docket No.: W427.12-0007	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 12, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

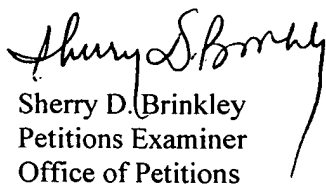
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a certification from counsel that at least one of the applicants is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3204.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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MINNEAPOLIS, MN 55402

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JAN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Reynolds W. Guyer, et al.	:	
Application No. 12/056,957	:	ON PETITION
Filed: March 27, 2008	:	
Attorney Docket No.: W427.12-0007	:	

This is a decision on the petition filed November 12, 2010, under 37 CFR 1.182 requesting the withdrawal of a previously filed terminal disclaimer.

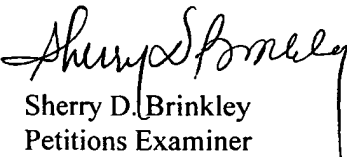
The petition is **GRANTED**.

Petitioner asserts that the Terminal Disclaimer filed on May 21, 2010 in this application is moot in view of subsequent action in the prosecution of this application. Accordingly, petitioner requests that the Terminal Disclaimer be withdrawn.

As the examiner has concurred, the request is favorably considered.

The application is being referred to Technology Center Art Unit 3711 for further processing consistent with this decision.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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MINNEAPOLIS, MN 55402

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FEB 03 2011

OFFICE OF PETITIONS

In re Application of
Reynolds W. Guyer, et al.
Application No. 12/056,957
Filed: March 27, 2008
Attorney Docket No.: W427.12-0007

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6)
:

This is a decision on the petition, filed November 12, 2010, which is being treated as a petition under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

It is initially pointed out that the present application was not filed within twelve months of the filing date of the prior-filed provisional application for which priority is being claimed. It is noted that a reference to prior-filed provisional Application No. 60/498,130 has been included in an amendment to the first sentence of the specification following the title and in a supplemental Application Data Sheet (ADS) on November 12, 2010. However, a proper ADS or amendment to include a reference under 37 CFR 1.78(a)(2)(i) to a prior-filed **copending** application is required.

Further, the supplemental ADS filed November 12, 2010 is not acceptable since it is not executed in accordance with 37 CFR 1.33 and 10.18. See also 37 CFR 1.4(d) for the form of the signature. The amendment filed November 12, 2010 is also not acceptable as drafted since it

includes an improper incorporation by reference of a prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

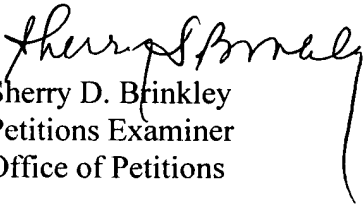
By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web¹

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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MINNEAPOLIS, MN 55402

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MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Reynolds W. Guyer, et al.	:	
Application No. 12/056,957	:	DECISION ON PETITION
Filed: March 27, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: W427.12-0007	:	

This is a decision on the renewed petition, filed February 10, 2011, under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the non-provisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3711 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/056,957	03/27/2008	3711	435	W427.12-0007	17	2

CONFIRMATION NO. 1453

CORRECTED FILING RECEIPT



0000000046610144

27367
WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

Date Mailed: 03/16/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Reynolds W. Guyer, Boca Grande, FL;
Thomas W. Guyer, Minneapolis, MN;

Assignment For Published Patent Application

Winsor Concepts, St. Paul, MN

Power of Attorney: The patent practitioners associated with Customer Number 27367

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/920,441 03/28/2007
and is a CIP of 10/928,459 08/27/2004 PAT 7,401,781
which claims benefit of 60/498,130 08/27/2003

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 04/11/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/056,957**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

VIRTUAL GAME

Preliminary Class

273

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Fish & Richardson, P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

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NOV 19 2010

OFFICE OF PETITIONS

In re Application of
Anthony G. Macaluso et al.
Application No. 12/057,046
Filed: March 27, 2008
Attorney Docket No. 13817-0019001/

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 13, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 20985 has been revoked by the assignee of the patent application on November 2, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Polsinelli Shughart PC
700 W 47th Street
Suite 1000
Kansas City, MO 64112-1802



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FEB 27 2012

OFFICE OF PETITIONS

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

In re Patent No. 8,075,408 : DECISION ON REQUEST
Hwang : FOR
Issue Date: December 13, 2011 : RECONSIDERATION OF
Application No. 12/057,114 : PATENT TERM ADJUSTMENT
Filed: March 27, 2008 : and
Atty Docket No. 19633US01 (P00855) : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on February 10, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred and twenty-four (524) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by **five hundred and twenty-three (523) days** is **GRANTED to the extent indicated herein**.

Patentee disputes the reduction to the patent term adjustment of 120 days under 37 CFR 1.704(c)(10) for the filing of a paper after the mailing of a Notice of Allowance on August 2, 2011. Patentee asserts that the reduction to the patent term adjustment for the filing of the paper on August 2, 2011, is 9 days. Patentee's argument is persuasive, in part¹. The reduction to the patent term adjustment under 37 CFR 1.704(c)(10) for the filing of the paper on August 2, 2011, is 10 days, with said period beginning on the date the paper was filed, August 2, 2011, and ending on the date the response to the paper was mailed, August 11, 2011. It is noted that a paper was also filed on August 4, 2011, that would incur a reduction to the patent term adjustment under 37 CFR 1.704(c)(10); however, the period of reduction would entirely overlap with the period of reduction for the paper filed August 2, 2011. The period of reduction to the patent term adjustment of 37 CFR 1.704(c)(10) of 120 days is being removed, a period of

¹ It is noted that patentee asserts that only 9 days of reduction to the patent term adjustment should be entered for the filing of the amendment under 37 CFR 1.312, however, the period of reduction to the patent term adjustment under 37 CFR 1.704(c)(10) begins on, and includes, the date the amendment under 37 CFR 1.312 was filed and ends on, and includes, the mailing date of the response to the amendment under 37 CFR 1.312. "When a period is indicated (in 37 CFR 1.703 or 1.704) as 'beginning' on a particular day, that day is included in the period, in that such day is 'day one' of the period and not 'day zero.'" MPEP 2731. "For example, a period beginning on April 1 and ending on April 10 is ten (and not nine) days in length." *Id.* Thus, in this instance, the period of reduction to the patent term adjustment is 10 days.

reduction of 10 days is being entered. The revised patent term adjustment is 523 days (666 days of Office delay – 143 days of applicant delay).

The Office acknowledges receipt of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **five hundred and twenty-three (523)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,075,408 B2

DATED : Dec. 13, 2011

INVENTOR(S) : Hwang

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (413) days

Delete the phrase "by 413 days" and insert – by 523 days--



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WITHROW & TERRANOVA PLLC
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of	:	
O'Keefe, et al.	:	
Application No. 12/057,134	:	ON PETITION
Filed: March 27, 2008	:	
Attorney Docket No. 2868-012-1A	:	

This is in response to the petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed May 4, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

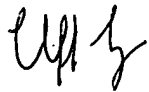
The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed October 8, 2010, which set a shortened statutory period for reply of three (3) months. Applicants filed an Amendment on December 21, 2010. However, the Amendment failed to place the application in condition for allowance, which the Examiner indicated in an Advisory Action mailed on April 19, 2011. As such, the application became abandoned by operation of law on January 9, 2011. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a Notice of Appeal.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application is being forwarded to Group Art Unit 2826 to await applicants' submission of the Appeal Brief.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', is positioned above the typed name.

Cliff Congo
Petitions Attorney
Office of Petitions



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Alexandria, VA 22313-1450
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**CASIMIR JONES, S.C.
2275 DEMING WAY, SUITE 310
MIDDLETON WI 53562**

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of	:	
REED, et al	:	
Application No. 12/057,180	:	DECISION ON PETITION
Filed: March 27, 2008	:	TO WITHDRAW
Attorney Docket No. MONMEDIC-14110/US-2/CIP	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Tyler J. Sisk on behalf of the attorneys of record associated with Customer No. 72960.

The attorneys of record associated with Customer No. 72960 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address copied below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JAIME REED
909 PERKINS DRIVE
MUKWONAGO, WI 53149



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/057,180	03/27/2008	Jaime C. Reed	MONMEDIC-14110/ US-2/CIP

CONFIRMATION NO. 1876

72960

Casimir Jones, S.C.

2275 DEMING WAY, SUITE 310

MIDDLETON, WI 53562

POWER OF ATTORNEY NOTICE



OC000000046926144

Date Mailed: 04/04/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/17/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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MEDLEN & CARROLL, LLP
101 HOWARD STREET, SUITE 350
SAN FRANCISCO, CA 94105

MAILED

JAN 1 0 2011

OFFICE OF PETITIONS

In re Application of
Dmitri VEZENOV
Application No. 12/057,251
Filed: March 27, 2008
Attorney Docket No. **LEHIGH-16151**

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 2010, to revive the above-identified application.


The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 17, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 17, 2010. Accordingly, the date of abandonment of this application is November 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Office of Data Management Division for processing into a patent.


Thurman K. Page
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : January 26, 2011

TO SPE OF : ART UNIT 2624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/057253, Patent No.: 7916941

CofC mailroom date: -10-25-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Magdalene Talley

Certificates of Correction Branch

571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: OK for entry.

/Vu Le/

SPE

2624
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 15,2011

In re Application of :

Rob Rutenbar

Application No : 12057260

Filed : 27-Mar-2008

Attorney Docket No : SR56.P-002

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 15,2011

The request is **APPROVED**.

The request was signed by Carl Oppedahl (registration no. 32746) on behalf of all attorneys/agents associated with Customer Number 57380 . All attorneys/agents associated with Customer Number 57380 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Carnegie Mellon University
Name2 c/o David Garrod
Address 1 401 Amberson Avenue #340
Address 2
City Pittsburgh
State PA
Postal Code 15232
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12057260	
Filing Date	27-Mar-2008	
First Named Inventor	Rob Rutenbar	
Art Unit	2128	
Examiner Name	DAVID SILVER	
Attorney Docket Number	SR56.P-002	
Title	Method and Apparatus for Applying "Quasi-Monte Carlo" Methods to Complex Electronic Devices Circuits and Systems	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 57380		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Carnegie Mellon University c/o David Garrod	
Address	401 Amberson Avenue #340	
City	Pittsburgh	
State	PA	
Postal Code	15232	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/s/
Name	Carl Oppedahl
Registration Number	32746



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Paper No.

PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE WA 98111-1247

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
Kralik et al. :
Application No. 12/057,515 : DECISION
Patent No. 7,904,276 : ON APPLICATION FOR
Filed: March 28, 2008 : PATENT TERM ADJUSTMENT
Issued: March 8, 2011 :
Atty Docket No. 418268553US3 :
Title: METHOD AND BUSINESS :
PROCESS FOR THE ESTIMATION OF :
EROSION COSTS IN ASSEMBLE-TO- :
ORDER MANUFACTURING OPERATIONS:

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(B)," filed May 9, 2011, which is being treated as a petition pursuant to 37 C.F.R. § 1.705(d). Patentee requests that the determination of patent term adjustment be reduced by ninety-two (92) days to one hundred and seventy-three (173) days. Patentee bases this request on the Office's failure to accord a 92-day reduction due to a single period of alleged applicant delay.

Petition fee requirement

The fee for filing a petition pursuant to 37 C.F.R. § 1.705(d) is \$200, as set forth in 37 C.F.R. § 1.18(e). This fee was not submitted with this petition, and the petition does not contain a general authorization to charge any fee deficiency to a Deposit Account.¹

¹ It is noted that the electronic file contains several general authorizations, however each of these was submitted prior to the issuance of this patent.

The payment of the required petition fee is a prerequisite to the filing of a petition to revive pursuant to 37 C.F.R. § 1.705(d). Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature.

Petitioner will note that 1357 OG 262 sets forth, *in pertinent part*:

"[t]he United States Patent and Trademark Office (USPTO) is clarifying its treatment of letters submitted by applicants and patentees stating that the USPTO's patent term adjustment determination indicated on a notice of allowance, issue notification, or patent, is greater than what the applicant or patentee believes is appropriate. The USPTO will place these letters in the file of the application or patent without further review. The USPTO will no longer review these letters or issue certificates of correction on the basis of a review of these letters. If the applicant or patentee wants the USPTO to reconsider its patent term adjustment determination, the applicant or patentee must use the procedures set forth in 37 CFR 1.705 for requesting reconsideration of a patent term adjustment determination. A patentee may also file a terminal disclaimer disclaiming any period considered in excess of the appropriate patent term adjustment. However, the USPTO does not require an applicant or patentee to file either a request for reconsideration under 37 CFR 1.705 or a terminal disclaimer when the patent term adjustment indicated on a notice of allowance, issue notification, or patent is greater than what the applicant or patentee believes is appropriate."

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,² hand-delivery,³ or facsimile.⁴ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁵

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

² Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

³ Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

⁴ (571) 273-8300: please note this is a central facsimile number.

⁵ <https://spportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Application No. 12/057,515
Patent No. 7,904,276

Page 3

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.⁶

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁶ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 15,2011

In re Application of :

Amith Singhee

Application No : 12057537

Filed : 28-Mar-2008

Attorney Docket No : SR56.P-001

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 15,2011

The request is **APPROVED**.

The request was signed by Carl Oppedahl (registration no. 32746) on behalf of all attorneys/agents associated with Customer Number 57380 . All attorneys/agents associated with Customer Number 57380 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Carnegie Mellon University
Name2 c/o David Garrod
Address 1 401 Amberson Avenue #340
Address 2
City Pittsburgh
State PA
Postal Code 15232
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12057537	
Filing Date	28-Mar-2008	
First Named Inventor	Amith Singhee	
Art Unit	2123	
Examiner Name	EUNHEE KIM	
Attorney Docket Number	SR56.P-001	
Title	Method and apparatus for sampling and predicting rare events in complex electronic devices, circuits and systems	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 57380		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Carnegie Mellon University c/o David Garrod	
Address	401 Amberson Avenue #340	
City	Pittsburgh	
State	PA	
Postal Code	15232	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/s/
Name	Carl Oppedahl
Registration Number	32746



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

Arlene L. Hornilla, Attorney
General Mills M04-A
Number One General Mills Blvd.
P.O. Box 1113
Minneapolis MN 55440

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
David Domingues, Vicky Hoel : ON PETITION
Tammy McIntyre and Gregg Moder :
Application No. 12/057,542 :
Filed: March 28, 2008 :
Attorney Docket No. P5716US-D1A:

This is in response to the PETITION TO WITHDRAW HOLDING OF
ABANDONMENT filed December 22, 2010.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to § 1.181 must be
filed within **TWO (2) MONTHS** of the date of this decision in
order to be considered timely. See 37 CFR §1.181(f).
Extensions of time under §1.136(a) are not permitted.

The above-identified application became abandoned for failure to
file a response to the NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR
1.121) mailed April 20, 2010. This Notice set a one-month time
limit for reply, with extensions of time obtainable under
§ 1.136(a). No response was received and no extension of time
was obtained. Accordingly, the application became abandoned
effective May 21, 2010. A courtesy Notice of Abandonment was
mailed on November 24, 2010.

Petitioner maintains that the April 20, 2010 Office action was
not received at the correspondence address of record. The
practitioner states that a search of the records, including the
application contents and file jacket, incoming mail log and both

computerized and manual docketing systems has been undertaken. In support of the petition, enclosed is a copy of the computerized master case report for all incoming Notice of Non-Compliant Amendments from April 1, 2010 through June 1, 2010; and a computerized record for the subject application.

A review of the application image file wrapper reveals no irregularities in the mailing of the Notice mailed April 20, 2010. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, applicant must submit evidence to overcome this presumption. As stated in MPEP 711.03(c), the following showing is required:

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner's showing is not adequate. The showing of non-receipt requires that applicant submit a copy of the master docket report showing all replies docketed for the relevant reply period. Here, petitioner only submits the results showing all Notice of Non-Compliant Amendment docketed for the relevant period. The petition does not contain evidence of the docketing system sufficient to conclude that the results provided are

Alternatively, applicants may submit a petition to revive pursuant to 37 CFR 1.137(b). 37 CFR 1.137(b) provides that:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

Further correspondence with respect to this decision should be addressed as follows:

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized flourish extending from the end of the name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

Arlene L. Hornilla, Attorney
General Mills M04-A
Number One General Mills Blvd.
P.O. Box 1113
Minneapolis MN 55440

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
David Domingues, Vicky Hoel : ON PETITION
Tammy McIntyre and Gregg Moder :
Application No. 12/057,542 :
Filed: March 28, 2008 :
Attorney Docket No. P5716US-D1A:

This is in response to the "REQUEST FOR RECONSIDERATION PURSUANT TO §1.136(A)" filed April 25, 2011, requesting reconsideration of the decision dismissing their petition to withdraw holding of abandonment.

The petition is **GRANTED**.

The above-identified application became abandoned effective May 21, 2010 for failure to file a response to the NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121) mailed April 20, 2010. By decision mailed February 28, 2011, the initial petition to withdraw the holding of abandonment filed December 22, 2010 was dismissed. Petitioner did not submit an adequate showing of the alleged non-receipt of April 20, 2010 Office action at the correspondence address of record.

The practitioner stated that a search of the records, including the application contents and file jacket, incoming mail log and both computerized and manual docketing systems had been undertaken. In addition, the practitioner enclosed a copy of the computerized master case report for all incoming Notice of Non-Compliant Amendments from April 1, 2010 through June 1, 2010; and a computerized record for the subject application.

However, the showing was determined not be adequate to establish non-receipt. See MPEP 711.03(c). The showing lacked a copy of the master docket report showing *all* replies docketed for the relevant reply period.

On renewed petition, practitioner supplied a copy of a computerized master case report for incoming communications from the USPTO during the relevant period (Exhibit B). Practitioner further described the system for processing mail.

Petitioner has now adequately supported her claim of non-receipt.


In view thereof, the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 1781 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the notice of non-compliant amendment mailed April 20, 2010 and for restarting of the period for reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 19,2011

In re Application of :

Takahiro Niwa

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12057584

Filed : 28-Mar-2008

Attorney Docket No : AMK-249-499

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 19,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2832 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12057584	
Filing Date	28-Mar-2008	
First Named Inventor	Takahiro Niwa	
Art Unit	2832	
Examiner Name	FORREST PHILLIPS	
Attorney Docket Number	AMK-249-499	
Title	SOUNDPROOF COVER	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

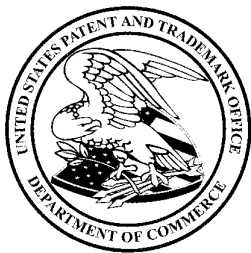
- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Alan M. Kagen/
Name	Alan M. Kagen
Registration Number	36178



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 30, 2011

In re Application of :

Kent Parker

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12057640

Filed : 28-Mar-2008

Attorney Docket No : 14684.104.1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 30, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3636 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12057640	
Filing Date	28-Mar-2008	
First Named Inventor	Kent Parker	
Art Unit	3636	
Examiner Name	PHILIP GABLER	
Attorney Docket Number	14684.104.1	
Title	CHAIR	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Dana L. Tangren/
Name	Dana L. Tangren
Registration Number	37246



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES N.J. RUGGIERO
OHLANDT GREELEY RUGGIERO & PERLE, L.L.P.
10TH FLOOR
ONE LANDMARK SQUARE
STAMFORD, CT 06901-2682

MAILED

SEP 09 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Masanori Furuta et al :
Application No. 12/057,647 :
Filed: March 28, 2008 :
Attorney Docket No. 430.0094USU :

This is a decision on the petition, filed August 31, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 11, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2819 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 8, 2010

TO SPE OF : ART UNIT 3763 - SPE Nicholas D. Lucchesi

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/057,656 Patent No.: 7,789,855 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Antonio Johnson

Should the amendment to the claims be entered as requested by applicant? **YES**
See COCIN dated 10-29-2010

/Diva Ranade/

Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

_____ SPE /Nicholas D Lucchesi/ Art Unit 3763

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/15/11

TO SPE OF : ART UNIT: 3636

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/057,674 Patent No. 8,029,060

CofC mailroom date 11/7/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LIE

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


DAVID DUNN
SUPERVISORY PATENT EXAMINER
SPE

3636
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE

9/13/10

Paper No.: _____

TO SPE OF

ART UNIT 1797

SUBJECT

Request for Certificate of Correction for Appl. No.: 12/057676 Patent No.: 7749765 B1

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ Approved

All changes apply.

☐ Approved in Part

Specify below which changes do not apply.

☐ Denied

State the reasons for denial below.

Comments: _____

MAUREEN M. WALLENHORST

PRIMARY EXAMINER

GROUP 1700

Maureen M. Wallenhorst 10/14/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of
Gautier
Application No. 12/057,711
Filed: March 28, 2008
Attorney Docket No. 4027.1001-003

:
:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3) and (a)(6)
:

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 4, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed non-provisional and provisional applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant non-provisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the non-provisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

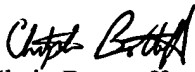
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2196 for consideration by the examiner of the claim under 35 U.S.C. § 120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Any questions concerning this matter may be directed to Alesia M. Brown at (571) 272-3205.


Chris Bottorff
Supervisor
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/057,711	03/28/2008	2196	1179	4027.1001-003	22	3

CONFIRMATION NO. 1837

CORRECTED FILING RECEIPT



21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Date Mailed: 12/02/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Taylor S. Gautier, Oakland, CA;

Assignment For Published Patent Application

INNOVATION MANAGEMENT SCIENCES, LLC, Mountain View, CA

Power of Attorney: The patent practitioners associated with Customer Number 021005

Domestic Priority data as claimed by applicant

This application is a CON of 11/533,312 09/19/2006 PAT 7,627,646

which is a CON of 09/312,586 05/14/1999 PAT 7,127,493

which claims benefit of 60/097,333 08/20/1998

Foreign Applications

If Required, Foreign Filing License Granted: 04/11/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/057,711**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**** SMALL ENTITY ****

Title

Optimizing Server Delivery of Content By Selective Inclusion of Optional Data Based on Optimization Criteria

Preliminary Class

719

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/057,802	03/28/2008	Kosaku Hioki	YK10257US	1990
7590 08/11/2010 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103			EXAMINER HJERPE, RICHARD A	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 08/11/2010	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/057,830	03/28/2008	Simon Dominic Haynes	324582US8X	2041
22850 7590 04/29/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER THOMAS, MIA M	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 04/29/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
HAYNES, SIMON DOMINIC et al.	:	DECISION ON REQUEST TO
Application No. 12/057,830	:	PARTICIPATE IN PATENT
Filed: March 28, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 324582US8X	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 06, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/057,831	03/28/2008	Matthew J. Beutel	GP-305098-FCA-CHE	2044
74175 7590 03/26/2012 Harness Dickey & Pierce, P.L.C. P.O. Box 828 Bloomfield Hills, MI 48303			EXAMINER LEE, JAMES	
			ART UNIT 1725	PAPER NUMBER
			NOTIFICATION DATE 03/26/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

troydocketing@hdp.com
gm-inbox@hdp.com



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Mailed:

MAR 26 2012

In re application of

Beutel et al.

Serial No. 12/057,831

Filed: March 28, 2008

For: **TUNNEL BRIDGE WITH ELASTOMERIC SEAL FOR
A FUEL CELL STACK REPEATING UNIT**

:
:
:
:
:

DECISION ON
PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on October 19, 2011 to withdraw the Finality of the Office Action mailed on August 19, 2011.

A review of the record indicates that the Examiner issued a non-final office action on December 29, 2010. Applicants responded on March 29, 2011. The Examiner issued a Final Rejection on May 25, 2011. Applicants filed an amendment After Final on July 13, 2011. The Examiner issued a new Final Office Action on August 19, 2011 which states that the amendments on July 13 and/or March 29, 2011 necessitated the new grounds of rejection. The Amendment filed on July 13, 2011 was to remove one of two sequential commas in line 9 of claim 1.

It is clear from the record that the Amendment filed on July 13, 2011 did not necessitate the new grounds for rejection. If an amendment made on March 29, 2011 necessitated the new ground of rejection in the current Office Action, then this new ground should have been presented in the Office Action of May 25, 2011.

DECISION

The petition is **GRANTED**.

The Office Action of August 19, 2011 should be a Non-Final Office Action. Applicants' response filed on October 19, 2011 will be treated as a response to a Non-Final Office Action.



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants' amendment will be entered and forwarded to the Examiner for an action on the merits.

A handwritten signature in black ink that reads "Karen M. Young". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen M. Young, Director
Technology Center 1700
Chemical and Materials Engineering

Harness Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills MI 48303



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MAIL

AUG 25 2010

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

ROSSI, KIMMS & McDOWELL LLP.
20609 Gordon Park Square, Suite 150
Ashburn VA 20147

In re Application of	:	
MATSUEDA, KAZUTAKA	:	DECISION ON REQUEST TO
Application No. 12/057,858	:	PARTICIPATE IN PATENT
Filed: March 28, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. CANO-0688	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 16, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

MAR 21 2011

In re Application of
David B. Aragon
Application No. 12/057,904
Filed: March 28, 2008
Attorney Docket No. 43390-8025.US01

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Brian R Coleman on behalf of all attorneys of record who are associated with customer No. 22918. All attorneys/agents associated with the Customer Number 22918 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: TRAPEZE NETWORKS, INC.
C/O JUNIPER NETWORKS, INC
1194 NORTH MATHILDA AVENUE
SUNNYVALE, CA 94089-1206



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/057,904	03/28/2008	David B. Aragon	43390-8025.US01

CONFIRMATION NO. 2162

POWER OF ATTORNEY NOTICE



Date Mailed: 03/18/2011

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



December 6, 2011

Docket No. :

Re: Request for Certificate of Correction

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing **incorrect or erroneous** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1. 17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley

For Mary Diggs
Decisions & Certificates
of Correction Branch
(571)272-0423
Fax-(571)270-9942

Global IP Counselors, LLP
1233 Twentieth Street, NW, Ste. 700
Washington, DC 20036

MD/mt



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MAILED

MAR 27 2012

OFFICE OF PETITIONS

GLOBAL IP COUNSELORS,LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON DC 20036-2680

In re Patent No. 8,029,370	:	
Issue Date: October 4, 2011	:	
Application No. 12/057,920	:	ON PETITION
Filed: March 28, 2008	:	
Attorney Docket No. ED-US070310	:	

This is a decision on the petition filed January 25, 2012, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/057,939	03/28/2008	William H. Eby	1421-330	2224
32905	7590	08/03/2010		
JONDLE & ASSOCIATES P.C. 858 HAPPY CANYON ROAD SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER KUBELIK, ANNE R	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 08/03/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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AUG 03 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/057,939

Filed: March 28, 2008

Attorney Docket No.: 1421-330

:
:
: PETITION DECISION
:
:

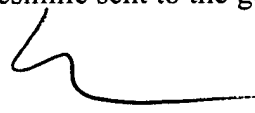
This is in response to the petition under 37 CFR § 1.59(b), filed July 30, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105 submitted to the Patent Office on August 20, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.


Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

MAR 17 2011

In re Application of	:	
Matsudo, et al.	:	
Application No. 12/057,940	:	OFFICE OF PETITIONS
Filed: March 28, 2008	:	DECISION ON PETITION
Attorney Docket No. 324475US26	:	UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 25, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Attorney Advisor Alesia M. Brown at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1716 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.



Chris Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/057,940	03/28/2008	1716	1030	324475US26	7	2

CONFIRMATION NO. 2226

CORRECTED FILING RECEIPT



OC000000046538490

22850
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Date Mailed: 03/14/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Tatsuo MATSUDO, Nirasaki-shi, JAPAN;
Chishio KOSHIMIZU, Nirasaki-shi, JAPAN;
Tomohiro SUZUKI, Nirasaki-shi, JAPAN;
Jun Abe, Nirasaki-shi, JAPAN;

Assignment For Published Patent Application

TOKYO ELECTRON LIMITED, Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 22850

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/940,094 05/25/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

JAPAN 2007-092192 03/30/2007

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

GAS ANALYZING APPARATUS AND SUBSTRATE PROCESSING SYSTEM

Preliminary Class

118

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
Paolo Pellegrini, et al. :
Application No. 12/057,958 : **DECISION GRANTING PETITION**
Filed: March 28, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 12587-0207001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, July 15, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 31, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2161 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of

Pillarisetty, et al.

Application No. 12/058,063

Filed: March 28, 2008

Attorney Docket No. P2700

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed August 5, 2011.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on February 13, 2011, after it was believed that no response to the non-final Office action mailed November 12, 2010, was filed. Notice of Abandonment was mailed on June 15, 2011, indicating that no response to the Office action mailed November 12, 2010, was received.

The instant petition was filed on August 5, 2011, wherein petitioner states that the imposition of the holding of abandonment is improper because a response was timely filed on February 14, 2011.

A review of the application file record did reveal that an amendment was filed on February 14, 2011. It is noted that shortened statutory period ended Saturday, February 12, 2011. The amendment filed Monday, February 14, 2011, was timely pursuant to 37 CFR 1.7(b). Based on the aforementioned, it appears that the application was improperly held abandoned as an amendment was filed February 14, 2011, within the shortened statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center GAU 2826 for further processing.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of
Jakob Ley et al.
Application No. 12/058,088
Filed: March 28, 2008
Attorney Docket Number: **15637-00021**

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed September 6, 2011, to correct the name of the Inventor due to marriage.

The petition is **GRANTED**.

Petitioner has requested that the inventor formerly known as Kathrin Freiherr be listed as Kathrin Langer. The petition fee, a Supplemental Declaration identifying the inventor as Carole Corvez and of how the change was effected, marriage, has been submitted in compliance with 37 CFR 1.182.

In view of the instant request, the following inventor name data will be changed.

Inventor 3) Kathrin Langer

The petition fee in the amount of \$400.00 has been charged to the credit card provided.

This matter is being referred to Technology Center 1628 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: **Corrected Filing Receipt**



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
12/058,088	03/28/2008	1628	1580	15637-00021-US	18	5

CONFIRMATION NO. 2489

CORRECTED FILING RECEIPT

30678
CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006



OC000000049864951

Date Mailed: 09/15/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jakob Ley, Holzminden, GERMANY;
Kathrin Langer, Dassel, GERMANY;
Gerhard Krammer, Holzminden, GERMANY;
Gerald Reinders, Hoexter, GERMANY;

Assignment For Published Patent Application

SYMRISE GmbH & Co. KG, Holzminden, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 30678

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/908,730 03/29/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 04/16/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/058,088**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

AROMA COMPOSITIONS OF ALKAMIDES WITH HESPERETIN AND/OR
4-HYDROXYDIHYDROCHALCONES AND SALTS THEREOF FOR ENHANCING SWEET
SENSORY IMPRESSIONS

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120119

DATE : January 19, 2012

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction on Patent No.: 7851484

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/JANET ANDRES/
Supervisory Patent Examiner.Art Unit 1625

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12058169	
Filing Date	28-Mar-2008	
First Named Inventor	Hisao Ikeda	
Art Unit	2891	
Examiner Name	MATTHEW SUCH	
Attorney Docket Number	0553-0678	
Title	MANUFACTURING METHOD OF LIGHT-EMITTING DEVICE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

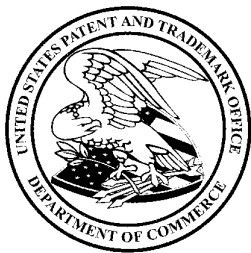
- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Mark J Murphy/
Name	Mark J Murphy
Registration Number	34225



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 23, 2012

In re Application of :

Hisao Ikeda

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12058169

Filed : 28-Mar-2008

Attorney Docket No : 0553-0678

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 23, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2891 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EPSON RESEARCH AND DEVELOPMENT INC
INTELLECTUAL PROPERTY DEPT
2580 ORCHARD PARKWAY, SUITE 225
SAN JOSE, CA 95131

MAILED
MAY 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Rastislav LUKAC	:	
Application No. 12/058,253	:	DECISION GRANTING PETITION
Filed: March 28, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. EETP076	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 25, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 70257.87 (M-17245US) Application Number (if known): 12/058,380 Filing date: 03/28/2008

First Named Inventor: Vahid S. Moshtagh

Title: BRAZED CVD SHOWER HEAD

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature



Date 12/16/2010

Name (Print/Typed) Norman E Carte

Registration Number 30,455

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Vahid S. MOSHTAGH et al.
Assignee: BRIDGELUX, INC.
Title: BRAZED CVD SHOWER HEAD
Serial No.: 12/058,380 Filing Date: March 28, 2008
Examiner: Rudy Zervugon Group Art Unit: 1792
Docket No.: 70257.87 (M-17245US) Confirmation: 3030

Irvine, California
December 16, 2010

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Dear Sir:

The basis for this Petition to Make Special Under the Green Technology Pilot Program is energy conservation. This invention contributes to energy conservation and thus qualifies for the Green Technology Pilot Program because the invention facilitates the manufacture and/or use of light emitting diodes (LEDs) which use substantially less energy than contemporary incandescent and fluorescent lights. Thus, it is respectfully submitted that the materiality standard is met.

The present patent application has been published on April 30, 2010 and assigned publication no.: US-2009-0107403-A1.

Haynes & Boone, LLP
Attorney & Counselors

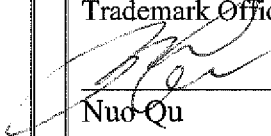
18100 Van Karman
Suite 750
Irvine, CA 92612-0169

CONCLUSION

Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 08-1394. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 202-3000 is welcomed and encouraged.

Certification of Electronic Transmission

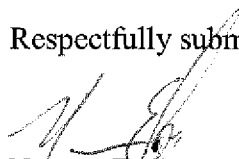
I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.



Nuo Qu

December 16, 2010
Date of Signature

Respectfully submitted,


Norman E. Carte
Agent for Applicants
Reg. No. 30,455

Haynes & Boone, LLP
Attorney & Counselors

18100 Van Karman
Suite 750
Irvine, CA 92612-0169



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/058,380	03/28/2008	Vahid S. Moshtagh	M-17245 US	3030
32605	7590	01/11/2011	EXAMINER	
Haynes and Boone, LLP			ZERVIGON, RUDY	
IP Section			ART UNIT	
2323 Victory Avenue			PAPER NUMBER	
SUITE 700			1716	
Dallas, TX 75219			MAIL DATE	
			DELIVERY MODE	
			01/11/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas TX 75219

JAN 11 2011

In re Application of	:	
Moshtagh et al.	:	DECISION ON PETITION
Application No. 12/058,380	:	TO MAKE SPECIAL UNDER
Filed: 3/28/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. M-17245 US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/16/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1716 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/19/2011

TO SPE OF : ART UNIT 3676

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/058384 Patent No.: 7882905 B2

CofC mailroom date: 10/11/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Shan B...
SPE

3676
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/058,407	03/28/2008	Ryota NONAKA	008612-08108	3076
52989	7590	04/17/2012		
James Edward Ledbetter 1875 Eye Street Suite 1200 Washington, DC 20006			EXAMINER ANSARI, NAJEEBUDDIN	
			ART UNIT 2468	PAPER NUMBER
			MAIL DATE 04/17/2012	DELIVERY,MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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www.uspto.gov

James Edward Ledbetter
1875 Eye Street
Suite 1200
Washington DC 20006

In re Application of: NONAKA, Ryota
Application No. **12/058,407**
Filed: March 28, 2008
Docket No. 008612-08108
Title: TERMINAL APPRATUS AND
COMPUTER PROGRAM

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on petition filed **March 27, 2012** under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner to seeks relief from Examiner's action in relation to the Final Office Action mailed February 24 2012, *namely*, requesting the withdrawal of the finality thereof.

This petition is **DISMISSED**.

RELEVANT HISTORY PROSECUTION

On February 9 2012, Applicant spoke with Examiner to request a personal interview with him and his supervisor. On February 13, 2012, it was confirmed with Examiner that the personal interview would be held on February 27, 2012 at 4 PM, where the amended claims and remarks filed with the Amendment of January 27, 2012 would provide the Interview Agenda. Final office action is mailed February 24 2012. On morning of the scheduled interview day, applicant becomes aware of issuance of final action, which results in the cancelation of the scheduled personal interview.

Applicant bases the petition on "the inherent unfairness of scheduling an interview and then issuing an office action prior to the interview, a mere 28 days from the filing of the Amendment of January 27, 2012, withdrawal of the final status of the office action of February 24, 2012 is deemed to be warranted."

DECISION

The pertinent sections on the MPEP with respect to proper final action and interview practices have been carefully reviewed. A review of MPEP §706.07 shows (*inter alia*) that a second action on the merits shall be made final, except for where the examiner introduces a new ground of rejection not necessitated by amendment of the application by applicant. The response by

Examiner to a non-final office action should not be held by the request (or granting) of a telephonic/personal interview. Examiners may grant one interview after final rejection. See MPEP § 713.09. The rules in Title 37 of the Code of Federal Regulations with respect to the properness of final office action, have been reviewed, however, no rule(s) has been found that can support characterizing the final office action mailed February 24 2012 as improper or premature because an interview has been granted/requested prior to the mailing of an office action.

Accordingly, the petition is **DISMISSED**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, alternatively, Christopher Grant, can be reached at (571) 272-7294.

/Beatriz Prieto/
Quality Assurance Specialist
Technology Center 2400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zhijun Cai et al. Art Unit : 2471
Serial No. : 12/058,448 Examiner : Kouroush Mohebbi
Filed : March 28, 2008 Conf. No. : 3151
Title : PRECODING MATRIX INDEX FEEDBACK INTERACTION WITH
DISCONTINUOUS RECEPTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.102

Pursuant to the Patent Application Backlog Reduction Stimulus Plan (“Project Exchange”), Applicants request that U.S. Application No. 12/058,448 be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows.

1. Applicants hereby expressly abandon U.S. Patent Application No. 11/933,282, entitled “MODULAR SQUARING IN BINARY FIELD ARITHMETIC”, in order to seek special status examination of U.S. Application No. 12/058,448, entitled “PRECODING MATRIX INDEX FEEDBACK INTERACTION WITH DISCONTINUOUS RECEPTION”, under the Patent Application Backlog Reduction Stimulus Plan (“Project Exchange”). A copy of the Letter of Express Abandonment of the ‘282 application is attached in the Appendix.
2. Applicants hereby certify that the ‘448 application and the ‘282 application are owned by Research In Motion Limited.
3. Applicants hereby certify that Applicants have not filed petitions or received special status in more than fourteen (14) other applications under this program.
4. Applicants hereby agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the United States Patent and Trademark Office using the EFS –WEB system on this date: January 18, 2011

5. Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application.
6. Applicants have not and will not file an application that claims the benefit of the expressly abandoned application under any provision of Title 35, United States Code.
7. Applicants agree not to request a refund of any fees paid in the expressly abandoned application.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 18, 2011

/Terry J. Stalford/
Terry J. Stalford
Reg. No. 39,522

Customer No. 94149
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, Minnesota 55440-1022
Telephone: (214) 747-5070
Facsimile: (877) 769-7945

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nevine Maurice Nassif Ebeid Art Unit : 2193
Serial No. : 11/933,282 Examiner : Chat C. Do
Filed : October 31, 2007 Conf. No. : 3466

Title : MODULAR SQUARING IN BINARY FIELD ARITHMETIC

Mail Stop Express Abandonment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS ABANDONMENT UNDER 37 CFR §1.138 (a)

Applicants hereby expressly abandon U.S. Patent Application No. 11/933,282, entitled “MODULAR SQUARING IN BINARY FIELD ARITHMETIC”, in order to seek special status examination of U.S. Application No. 12/058,448, entitled “PRECODING MATRIX INDEX FEEDBACK INTERACTION WITH DISCONTINUOUS RECEPTION”, under the Patent Application Backlog Reduction Stimulus Plan (“Project Exchange”). A copy of the Petition under 37 C.F.R. §1.102 filed in the ‘448 application is attached in the Appendix.

1. Applicants hereby certify that the ‘282 application and the ‘448 application are owned by Research In Motion Limited.
2. Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application.
3. Applicants have not and will not file an application that claims the benefit of the expressly abandoned application under any provision of Title 35, United States Code.
4. Applicants agree not to request a refund of any fees paid in the expressly abandoned application.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the United States Patent and Trademark Office using the EFS –WEB system on this date: January 18, 2011

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 18, 2011

/Terry J. Stalford/
Terry J. Stalford
Reg. No. 39,522

Customer No. 94149

Fish & Richardson P.C.

P.O. Box 1022

Minneapolis, Minnesota 55440-1022

Telephone: (214) 747-5070

Facsimile: (877) 769-7945



UNITED STATES PATENT AND TRADEMARK OFFICE

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Fish & Richardson PC
P.O.Box 1022
Minneapolis MN 55440

MAILED
FEB 01 2011
OFFICE OF PETITIONS

In re Application of	:	
CAI, et al.	:	DECISION ON PETITION
Application No. 12/058,448	:	TO MAKE SPECIAL
Filed: March 28, 2008	:	37 CFR 1.102
Attorney Docket No. 33459-US-PA/29717-0003001	:	

This is a decision on the petition under 37 CFR 1.102, filed January 18, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

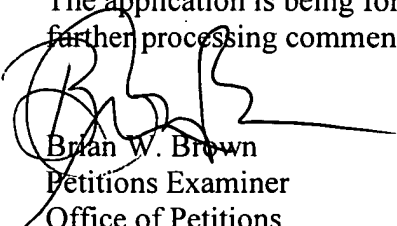
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.



Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael R. Slobasky
400 Seventh Street N.W.
Washington, DC 20004-2201

MAILED

SEP 28 2011

OFFICE OF PETITIONS

In re Application of
Alan Schinazi et al.
Application No. 12/058,516
Filed: March 28, 2008
Attorney Docket No. P73203US0

DECISION ON PETITION

This is a decision on the petition, filed September 8, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Allowance mailed January 21, 2011, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 6, 2011.-

Petitioner asserts that the Office action dated January 21, 2011, was not received.

A review of the written record indicates an irregularity in the mailing of the Notice of Allowance of January 21, 2011. In this regard, the Office received a Revocation of Power of Attorney with a new Power of Attorney and Change of Address request on June 18, 2009, prior to the mailing of the Notice of Allowance of January 21, 2011. Office records were not updated to reflect this new Power of Attorney and Change of Address. Accordingly, as the Notice of Allowance was mailed to an incorrect address, the Notice of Abandonment mailed May 6, 2011 is hereby vacated and the holding of abandonment withdrawn.

The Power of Attorney filed on June 18, 2009, has been accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR.1.33.

This application is being referred to the Technology Center technical support staff of Art Unit 3644 for remailing the Notice of Allowance of January 21, 2011 and resetting the period for reply.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133

MAILED
APR 16 2012
OFFICE OF PETITIONS

In re Application of	:	
CARPENTER, et al	:	
Application No. 12/058,603	:	DECISION ON PETITION
Filed: March 28, 2008	:	TO WITHDRAW
Attorney Docket No. MEDIV3080-3	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2012 and March 29, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Lisa Haile on behalf of the attorneys of record associated with Customer No. 28213.

The attorneys of record associated with Customer No. 28213 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MEDIVAS, LLC
P.O. BOX 33419
SAN DIEGO CA 92163



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/058,603	03/28/2008	Kenneth W. Carpenter	MEDIV3080-3

CONFIRMATION NO. 3493

POWER OF ATTORNEY NOTICE



28213
DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

Date Mailed: 04/16/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/14/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
12/058611	03/28/08	Toshio Shimada	Q104763

DATE MAILED: October 03, 2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Any inquiries concerning this decision should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management



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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

MAILED

JAN 19 2011

In re Application of	:	OFFICE OF PETITIONS
Thiele	:	
Application No. 12/058,626	:	DECISION ON PETITION
Filed: 1 February, 2006	:	
Attorney Docket No. LINKP006	:	

This is a decision on the petition filed on 2 August, 2010, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

NOTE:

Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct—as well as the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner also appears not to have submitted a corrected/replacement oath/declaration or application data sheet (ADS).

The petition under 37 C.F.R §1.182 is **DISMISSED**.

A request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

605.04(c) Inventor Changes Name [R-5]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and **>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a * copy of the court order.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed. Petitioner indicates, with another form as to an inventor's name—the name having been typed and signed in that form. (Petitioner states that it was "Melanie Thiele," however, for reasons at this writing unexplained, the corrected for is to be "Melanie Schwinning."

On 2 August, 2010, Petitioner indicated to the Office that the name of inventor/applicant should be corrected to overcome the incorrect form of the name of the inventor.

As noted above, it also does not appear that Petitioner submitted an executed oath/declaration in the "corrected" form or an updated application data sheet (ADS), the latter of which may not be required but should be included.

Moreover, Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450


¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/058,626

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

MAILED

MAY 31 2011

OFFICE OF PETITIONS

In re Application of :
Thiele :
Application No. 12/058,626 : DECISION ON PETITION
Filed: 1 February, 2006 :
Attorney Docket No. LINKP006 :

This is a decision on the petition filed on 7 February, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition under 37 C.F.R §1.182 is **GRANTED**.

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and **>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a * copy of the court order.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventor's name—the name having been typed and signed in that form. (Petitioner states that it was "Melanie Thiele," however, for reasons at this writing unexplained, the corrected for is to be "Melanie Schwinning.")

On 2 August, 2010, Petitioner indicated to the Office that the name of inventor/applicant should be corrected to overcome the incorrect form of the name of the inventor. It did not appear that Petitioner submitted an executed oath/declaration in the "corrected" form or an updated application data sheet (ADS), the latter of which may not be required but should be included. Moreover, Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct. The petition was dismissed on 19 January, 2011.

On 7 February, 2011, Petitioner indicated to the Office that the name of inventor/applicant should be corrected to overcome the incorrect form of the name of the inventor. Petitioner submitted an a statement of the Applicant signed under both names, and an executed oath/declaration in the "corrected" form and an updated ADS.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **granted**.

The application is released to Technology Center/AU 3644 for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of
SULLENDER
Application No. 12/058,706
Filed: March 30, 2008
Attorney Docket No. EY1-0006US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Lewis C. Lee and the attorneys associated with Customer No. 29150, has been revoked by the assignee of the patent application on January 5, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MARGARET M. ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN, TX 78701

cc: MICHAEL A. ERVIN
8202 TALBOT COVE
AUSTIN TX 78746



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAIL

NOV 17 2010

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
LI, YUANZHONG	:	DECISION ON REQUEST TO
Application No. 12/058,734	:	PARTICIPATE IN PATENT
Filed: March 30, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. Q107391	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 13, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHERMAN D. PERNIA, ESQ, P.C.
950 Gemini Drive, SUITE 5
HOUSTON TX 77058-2730

MAILED
MAY 27-2011
OFFICE OF PETITIONS

In re Application of :
Maria A. Navarro et al. :
Application No. 12/058,741 : **DECISION ON PETITION**
Filed: March 30, 2008 :
Attorney Docket No. **PUS-N001-269** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

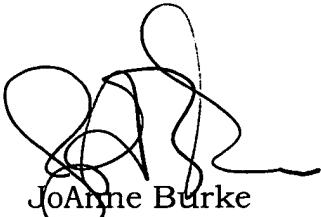
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3776 for appropriate action by the Examiner in the normal course of business on the reply received

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is positioned above the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Sherman D. Pernia
P.O. Box 476
Kemah, TX 77565

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12058771	
Filing Date	31-Mar-2008	
First Named Inventor	Thomas Reynolds	
Art Unit	1725	
Examiner Name	KENNETH DOUYETTE	
Attorney Docket Number	IRRC-01001US0	
Title	ELECTROACTIVE MATERIAL FOR CHARGE TRANSPORT	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

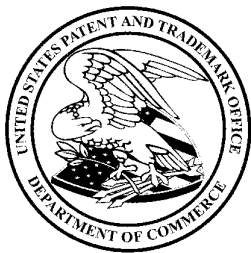
☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/david lovejoy/
Name	David E. Lovejoy
Registration Number	22748



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P.O. Box 1450
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Decision Date : December 14, 2011

In re Application of :

Thomas Reynolds

Application No : 12058771

Filed : 31-Mar-2008

Attorney Docket No : IRR-01001US0

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed December 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



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GENERAL MOTORS LLC
LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT MI 48265-3000

Paper No.

MAILED

DEC 02 2011

OFFICE OF PETITIONS

In re Patent No. 8,016,275 :
Ting et al. :
Issue Date: September 13, 2011 :
Application No. 12/058,818 : ON PETITION
Filed: March 31, 2008 :
Attorney Docket No. **GP-309167-** :
NAPD-LCH :

This is in response to the Request For Certificate of Correction under 37 C.F.R. 3.81 filed November 11, 2011, which is properly treated as a request to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

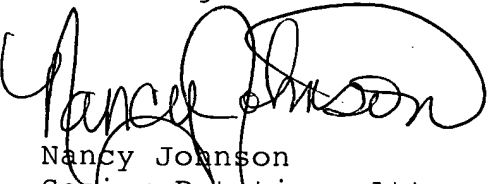
Pursuant to the issue fee transmittal filed October 19, 2010, the patent issued in the name of assignee "GM Global Technology Operations, LLC." Patentee files this request, requesting that the name of the assignee be corrected to add co-assignee "Denso International America, Inc." and submits a certificate of correction for this purpose.

Patentee's evidence and Office records show that the assignment of the above-identified application to "Denso International America, Inc." was recorded on March 31, 2008. The recording of the assignment (Reel/Frame 020726/0113) occurred before issuance of the patent on September 13, 2011.

Receipt of the required \$100 certificate of correction fee and the required \$130 processing fee is acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3219. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch has been notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction to correct the Assignee data.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HITT GAINES, PC
LSI CORPORATION
PO BOX 832570
RICHARDSON TX 75083

MAILED
MAR 25 2011
OFFICE OF PETITIONS

In re Application of
Jeff S. BROWN et al.
Application No. 12/058,824
Filed: March 31, 2008
Attorney Docket No. 07-2539

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under 37 CFR 1.137(b), filed September 03, 2010, to revive the above-identified application.

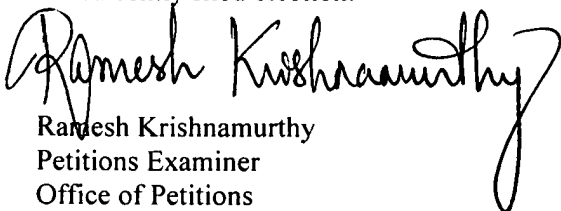
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed December 30, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 31, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$1620, and (3) an adequate statement of unintentional delay. Accordingly, the reply the restriction requirement of December 30, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

This application is being referred to Technology Center AU 2816 for appropriate action on the concurrently filed election.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Best Available Copy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12-01-11

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/058850 Patent No.: 7515510

CofC mailroom date: 11-22-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

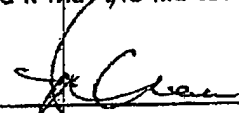
Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Note: _____


Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

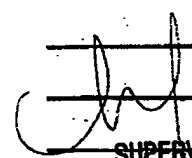
☐ **Approved in Part**

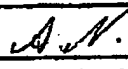
Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


HOA T. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600


11-2-2011

SPE

Art Unit

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12058857	
Filing Date	31-Mar-2008	
First Named Inventor	DIVYASIMHA HARISH	
Art Unit	2629	
Examiner Name	TOM SHENG	
Attorney Docket Number	00008.00020US1	
Title	EDGE SENSORS FORMING A TOUCHSCREEN	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 55952		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	YPoint Capital, Inc.	
Address	997 Hunter Lane	
City	Fremont	
State	CA	
Postal Code	94539	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/Raj Abhyanker/

Name

Raj Abhyanker

Registration Number

45474



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 19,2011

In re Application of :

DIVYASIMHA HARISH

Application No : 12058857

Filed : 31-Mar-2008

Attorney Docket No : 00008.00020US1

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 19,2011

The request is **APPROVED**.

The request was signed by Raj Abhyanker (registration no. 45474) on behalf of all attorneys/agents associated with Customer Number 55952 . All attorneys/agents associated with Customer Number 55952 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name YPoint Capital, Inc.

Name2

Address 1 997 Hunter Lane

Address 2

City Fremont

State CA

Postal Code 94539

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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Alexandria, VA 22313-1450
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BROSEMER, KOLEFAS & ASSOCIATES, LLC (ALU)
1 BETHANY ROAD
BUILDING 4 - SUITE # 58
HAZLET, NJ 07730

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of
Cristian Bolle, et al.
Application No. 12/058,859
Filed: March 31, 2008
Attorney Docket No.: BOLLE-29-24

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed February 10, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 17, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 17, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 18, 2010. A Notice of Abandonment was subsequently mailed on January 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,510 issue fee and \$300 publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/058,868	03/31/2008	William H. Eby	1421-333	3999
32905 7590 10/29/2010 JONDLE & ASSOCIATES P.C. 858 HAPPY CANYON ROAD SUITE 230 CASTLE ROCK, CO 80108			EXAMINER COLLINS, CYNTHIA E	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 10/29/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 29 2010

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/058,868

Filed: March 31, 2008

Attorney Docket No.: 1421-333

:
 :
 : PETITION DECISION
 :


This is in response to the petition under 37 CFR § 1.59(b), filed April 29, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Declaration under 37 CFR 1.132, submitted to the Patent Office on April 29, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.


 Marianne C. Seidel
 Quality Assurance Specialist
 Technology Center 1600

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12058868	
Filing Date	31-Mar-2008	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	CYNTHIA COLLINS	
Attorney Docket Number	1421-333	
Title	Soybean Cultivar S070160	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 14, 2012

In re Application of :

William Eby

Application No : 12058868

Filed : 31-Mar-2008

Attorney Docket No : 1421-333

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Philip H. Burrus, IV
Burrus Intellectual Property Law Group, LLC
460 Grant Street
Atlanta, GA 30312

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Vladislav V. Kroutik	:	
Application No. 12/058,930	:	DECISION ON PETITION
Filed: March 31, 2008	:	TO WITHDRAW FROM
Attorney Docket No. BPVLD0002VK	:	RECORD

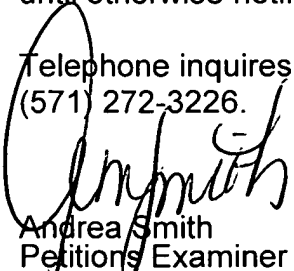
This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed March 7, 2011.

The request is **MOOT**.

A review of the file record indicates that any previous power of attorney was revoked by the inventor of the above application on March 28, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the new address of record until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/058,930	03/31/2008	Vladislav V. Kroutik	BPVLD0002VK

CONFIRMATION NO. 4104

POWER OF ATTORNEY NOTICE



27939
PHILIP H. BURRUS, IV
Burrus Intellectual Property Law Group, LLC
460 Grant Street
Atlanta, GA 30312

Date Mailed: 04/11/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/28/2011.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 01/03/12

Patent No. : 8031327 B2
Ser. No. : 12/058,993
Inventor(s) : **Fiolka**
Issued : **October 4, 2011**
Title : **ILLUMINATION SYSTEM OF A MICROLITHOGRAPHIC
PROJECTION EXPOSURE APPARATUS**
Docket No. : **20228-033001 / 08 532**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.**

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

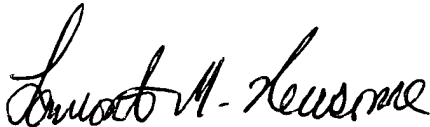
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703)756-1580

FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

LMN



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P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

FEB 06 2012

OFFICE OF PETITIONS

In re Patent No. 8,031,327 :
Issue Date: October 4, 2011 :
Application No. 12/058,993 :
Filed: March 31, 2008 :
Attorney Docket No. 20228-033001/08 532 :

ON PETITION

This is a decision on the petition filed January 10, 2012, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Charlema Grant
Attorney Advisor
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Application of	:	
WILL, et al	:	
Application No. 12/059,073	:	DECISION ON PETITION
Filed: March 31, 2008	:	
Docket No. 048157.004	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 1, 2010, which set a shortened statutory period for reply of **three (3) months**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 2, 2010. A Notice of Abandonment was mailed on October 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1860; and (3) and the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1270 extension of time fee submitted with the petition on October 26, 2011, was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-3600.

This application is being referred to Technology Center AU 3671 for appropriate action by the Examiner in the normal course of business.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: LAURENCE P. COLTON
SMITH RISLEY TEMPEL SANTOS LLC
TWO RAVINIA DRIVE, SUITE 700
ATLANTA, GA 30346



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kevin L. Wingate
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of: :
Robert P. MORRIS :
Appl. No.: 12/059,249 :
Filed: March 31, 2008 :
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM :
PRODUCTS FOR PROVIDING PRIOR VALUES OF A :
TUPLE ELEMENT IN A PUBLISH/SUBSCRIBE SYSTEM :

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 07 July 2010 and 05 October 2010.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 07 July 2010 and 05 October 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,249	03/31/2008	Robert P. Morris	I518/US	4643
49277 7590 02/02/2011 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			EXAMINER RAAB, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			2156	
			MAIL DATE	DELIVERY MODE
			02/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kevin L. Wingate
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of: :
Robert P. MORRIS :
Appl. No.: 12/059,249 :
Filed: March 31, 2008 :
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM :
PRODUCTS FOR PROVIDING PRIOR VALUES OF A :
TUPLE ELEMENT IN A PUBLISH/SUBSCRIBE SYSTEM :

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 28 January 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 28 January 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of ***three (3) months from the mailing date of this letter***. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/059,249

03/31/2008

Robert P. Morris

1518/US

4643

49277 7590 05/10/2011

SCENERA RESEARCH, LLC

5400 Trinity Road

Suite 303

Raleigh, NC 27607

EXAMINER

RAAB, CHRISTOPHER J

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

05/10/2011

PAPER

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Kevin L. Wingate
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of:
Robert P. MORRIS
Appl. No.: 12/059,249
Filed: March 31, 2008
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM
PRODUCTS FOR PROVIDING PRIOR VALUES OF A
TUPLE ELEMENT IN A PUBLISH/SUBSCRIBE SYSTEM

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 06 May 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 06 May 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of **three (3) months from the mailing date of this letter**. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,249	03/31/2008	Robert P. Morris	I518/US	4643
49277 7590 08/11/2011 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607				
			EXAMINER RAAB, CHRISTOPHER J	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 08/11/2011	DELIVERY MODE PAPER

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Kevin L. Wingate
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In re Application of:
Robert P. MORRIS
Appl. No.: 12/059,249
Filed: March 31, 2008
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM
PRODUCTS FOR PROVIDING PRIOR VALUES OF A
TUPLE ELEMENT IN A PUBLISH/SUBSCRIBE SYSTEM

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 09 August 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 09 August 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of **three (3) months from the mailing date of this letter**. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,249	03/31/2008	Robert P. Morris	1518/US	4643
49277 7590 11/21/2011 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607				
EXAMINER RAAB, CHRISTOPHER J				
ART UNIT		PAPER NUMBER		
2154				
MAIL DATE		DELIVERY MODE		
11/21/2011		PAPER		

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In re Application of:
Robert P. MORRIS
Appl. No.: 12/059,249
Filed: March 31, 2008
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM
PRODUCTS FOR PROVIDING PRIOR VALUES OF A
TUPLE ELEMENT IN A PUBLISH/SUBSCRIBE SYSTEM

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 14 November 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 14 November 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of **three (3) months from the mailing date of this letter**. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,249	03/31/2008	Robert P. Morris	1518/US	4643
49277 7590 02/23/2012 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			EXAMINER RAAB, CHRISTOPHER J	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 02/23/2012	DELIVERY MODE PAPER

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The time period for reply, if any, is set in the attached communication.



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In re Application of:
Robert P. MORRIS
Appl. No.: 12/059,249
Filed: March 31, 2008
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM
PRODUCTS FOR PROVIDING PRIOR VALUES OF A
TUPLE ELEMENT IN A PUBLISH/SUBSCRIBE SYSTEM

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 22 February 2012.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 22 February 2012, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of **three (3) months from the mailing date of this letter**. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

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Fish & Richardson PC
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Minneapolis MN 55440-1022

MAILED
DEC 23 2011
OFFICE OF PETITIONS

In re Patent No. 8,041,694	:
BAYARDO et al.	: DECISION ON REQUEST FOR
Issue Date: October 18, 2011	: RECONSIDERATION OF
Application No. 12/059,302	: PATENT TERM ADJUSTMENT
Filed: March 31, 2008	: AND NOTICE OF INTENT TO
Attorney Docket No. 16113-	: ISSUE CERTIFICATE OF
0895001	: CORRECTION

This is a decision on the petition filed on December 19, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred seventy-five (575) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The term of the above-identified patent is extended or adjusted by **four hundred sixteen (416) days**.

BACKGROUND

On October 18, 2011, the above-identified application matured into U.S. Patent No. 8,041,694 with a revised patent term adjustment of 418 days. On December 19, 2011, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 575.

Initially, Patentee discloses that a period of reduction of 2 days under 37 CFR 1.704(c)(8) should be entered for the filing of a supplemental reply in the form of an IDS on May 4, 2011, after the filing of a proper reply on May 2, 2011. The record does not support a conclusion that the examiner expressly requested the filing of the IDS. Further, a review of the IDS, filed May 4, 2011, reveals that applicants did not include a statement under 37 CFR 1.704(d). Accordingly, a period of reduction of 2 days is merited and will be entered. The Office thanks Patentee for this disclosure.

Next, Patentee maintains that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on May 13, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 159-day period from May 13, 2011 (the mailing date of the Notice of Allowance) until October 18, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 159 days and be increased from 0 to 159 days. Patentee concludes that the correct patent term adjustment is 575 days (the sum of 443 days of "A delay" and 159 days of "B delay" minus 0 days of overlap between "A delay" and "B delay" minus 27 days of applicant delay).

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including -

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on March 31, 2008, and the patent not having issued as of the day after the three year date, April 1, 2011, and a request for continued examination under 35 U.S.C. 132(b) having been filed on January 18, 2011. In other words, the 159-day period beginning on the date of mailing of the Notice of Allowance to the date of issuance of the patent was considered

time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. Thus, with respect to calculating the "B delay", where applicant has filed a request for continued examination the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a Notice of Allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of

the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp. 2d 138 (D.D.C. 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it

takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the insurance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the

applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permits the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the Notice of Allowance, the time consumed by continued examination requested by the applicant under section 132(b) does

³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

not terminate with the mailing of the Notice of Allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the Notice of Allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on January 18, 2011, and the patent issued by virtue of that request on October 18, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on January 18, 2011, and ending on October 18, 2011, is not included in calculating Office delay.

CONCLUSION

Accordingly, the patent term adjustment is 416 days (443 days of "A delay" + 0 days of "B delay" - 0 days of overlap - 27 day of applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred sixteen (416) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,041,694 B1
DATED : Oct. 18, 2011
INVENTOR(S) : Bayardo et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (418) days.

Delete the phrase "by 418 days" and insert – by 416 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Patent No. 8,041,694	:	
BAYARDO et al.	:	DECISION FOR REQUEST
Issue Date: October 18, 2011	:	FOR RECONSIDERATION
Application No. 12/059,302	:	OF PATENT TERM
Filed: March 31, 2008	:	ADJUSTMENT
Attorney Docket No. 16113-0895001	:	

This is a decision on the "RESPONSE TO DECISION ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT TO ISSUE CERTIFICATE OF CORRECTION" filed January 23, 2012. Patentees request that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred seventy-five (575) days.

The request for reconsideration is granted to the extent that the determination has been reconsidered; however, the request for reconsideration of patent term adjustment is **DENIED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. 154(b) of 416 days. This decision may be viewed as a final agency action within the meaning of 5 U.S.C. 704 and for purposes of seeking judicial review. See MPEP 1002.02.

BACKGROUND

On October 18, 2011, the above-identified application matured into U.S. Patent No. 8,041,694, with a revised patent term adjustment of 418 days. This revised determination included zero (0) days of patent term adjustment pursuant to 37 CFR 1.702(b).

On December 19, 2011, patentees filed a timely petition under 37 CFR 1.705(d) (with required fee) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by 575 days.

On December 23, 2011, the Office mailed a DECISION ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION, granting the request for reconsideration to the extent that the term of the above-identified patent is extended or adjusted by 416 days.

On January 23, 2012, patentees filed the present request for reconsideration within two months of the mail date of the decision on December 23, 2011. Patentees again dispute the calculation of the "B delay" period of the patent term adjustment. Specifically, patentees explain:

Patentees submit that B Delay accumulated for a total of 201 days, beginning on April 1, 2011 (the day after the date that is three years after the date on which the application was filed), and ending October 18, 2011 (the date the patent was issued). The Office has excluded from B Delay the number of days corresponding to the period beginning on January 18, 2011 (the date on which a Request for Continued Examination was filed) and ending on October 18, 2011 (the date the patent was issued). However, this entire period should not be excluded from B Delay because it does not correspond exactly to continued examination. The Examiner's mailing of a Notice of Allowance Action mailed on May 13, 2011, closed examination of the application on that date. Section 154(b)(1)(B)(i) of Title 35 excludes from B Delay 'time consumed by continued examination of the application.' The statute does not provide for exclusion from B Delay of time from the mailing

of a Notice of Allowance until issuance (a period during which continued examination did not occur).

"Response to Decision on Request for Reconsideration of Patent Term Adjustment to Issue Certificate of Correction" filed January 23, 2012, pp. 1-2.

STATUTE AND REGULATION

35 U.S.C. 154(b) as amended by § 4402 of the American Inventors Protection Act of 1999¹ (AIPA) provides that:

ADJUSTMENT OF PATENT TERM. —

(1) PATENT TERM GUARANTEES. —

(A) GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES. — Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to —

(i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after —

(I) the date on which an application was filed under section 111(a) of this title; or

(II) the date on which an international application fulfilled the requirements of section 371 of this title;

(ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;

(iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or

(iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied, the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described

¹ Public Law 106-113, 113 Stat. 1501, 1501A-557 through 1501A-560 (1999).

in such clause is taken.

(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY. - Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including -

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS. - Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to -

(i) a proceeding under section 135(a);

(ii) the imposition of an order under section 181; or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

(2) LIMITATIONS. -

(A) IN GENERAL. - To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

The implementing regulation, 37 CFR 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

(3) Act on an application not later than four months after the date of a decision by the Board of Patent Appeals and Interferences under 35 U.S.C. 134 or 135 or a decision by a Federal court under 35 U.S.C. 141, 145, or 146 where at least one allowable claim remains in the application; or

(4) Issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. 151 and all outstanding requirements were satisfied.

(b) Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including²:

² (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

In pertinent part, 37 CFR 1.703 provides for calculation of the periods, as follows:

Period of adjustment of patent term due to examination delay.

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(2) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(3) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply in compliance with § 1.113(c) was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(4) The number of days, if any, in the period beginning on the day after the date that is four months after the date an appeal brief in compliance with § 41.37 of this title was filed and ending on the date of mailing of any of an examiner's answer under § 41.39 of this title, an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(5) The number of days, if any, in the period beginning on the day after the date that is four months after the date of a final decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145 or 146 where at least one allowable claim remains in the application and ending on the date of

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

mailing of either an action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151, whichever occurs first; and

(6) The number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods³:

³ (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

(2)(i) The number of days, if any, in the period beginning on the date an interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and (ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension;

(3)(i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181; (ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed; (iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would be declared but for the secrecy order and ending on the date the secrecy order was removed; and (iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) of this chapter and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151; and,

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

37 CFR 1.703(f) provides that:

The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

OPINION

Patentees' argument has again been considered, but is not persuasive. The Office's calculation of zero (0) days of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)⁴. With respect to calculating the "B

⁴ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentees do not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentees' argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless

otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will

accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp.2d 138(D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)⁵. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application

⁵ Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a

notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance.

Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See Blacklight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a

patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures⁶ permits the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

⁶ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

In this instance, a request for continued examination was filed on January 18, 2011, and the patent issued by virtue of that request on October 18, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on January 18, 2011, and ending on October 18, 2011, is not included in calculating Office delay. In view thereof, it is concluded that the revised patent term adjustment of 416 days is correct.

CONCLUSION

The request for reconsideration of the revised patent term adjustment is denied.

The Office acknowledges the previous submission of the \$200.00 fee set forth in 37 CFR 1.18(e). As this request pertains only to the over 3-year delay issue previously raised in the application for patent term adjustment, no additional fees are required.

Telephone inquiries specific to this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, (571) 272-3211.



Anthony Knight
Director
Office of Petitions



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JAN 17 2012

OFFICE OF PETITIONS

In re Patent No. 8,032,507	:
Issued: October 4, 2011	: DECISION ON APPLICATION
Application No. 12/059,314	: FOR PATENT TERM ADJUSTMENT
Filed: March 31, 2008	:
Attorney Docket No. 16113-0227001	:
	:

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on December 3, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted from 418 to 553 days.

The request for review of the patent term adjustment is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of FOUR HUNDRED THIRTEEN (413) days.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On October 4, 2011, the above-identified application matured into U.S. Patent No. 8,032,507 with a patent term adjustment of 418 days. On December 3, 2011, Patentees submitted the instant application. Patentees disclose that the patent term adjustment of 418 days indicated on the front of the patent is incorrect because "Patentees filed an Information Disclosure Statement on May 4, 2011, subsequent to a reply filed on April 29, 2011. Patentees were accorded 0 days delay for a supplemental response. In good faith and candor, Patentees submit that the supplemental response should have been accorded a total Applicant Delay of 5 days for delay from April 30, 2011, to May 4, 2011. See 37 C.F.R. § 1.704(c)(8).

In view of the periods of Applicant Delay detailed above, the total Applicant Delay for this patent should be calculated as 66 days (i.e., the sum of 61 days and 5 days)."

Patentee also maintains that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B

delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on May 18, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 140 day period from May 18, 2011 (the mailing date of the Notice of Allowance) until October 4, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 140 days and be increased from 28 to 168 days. Patentee concludes that the correct patent term adjustment is 553 days (the sum of 451 days of "A delay" and 168 days of "B delay" minus 66 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

37 CFR 1.704 (c) provides that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Applicant's arguments have been considered. The Information Disclosure Statement filed May 4, 2011 was supplemental to the filing of the response filed April 29, 2011. In this instance, the filing of the Information Disclosure Statement on May 4, 2011 is considered a failure to engage under 1.704(c)(8). The IDS was not expressly requested by the examiner nor did the IDS include a 1.704(d) statement.

Pursuant to 37 CFR 1.704(c)(8) a period of reduction of 5 days counting the number of days in the period beginning April 29, 2011 and ending on the date of filing of the last supplemental paper, the IDS filed May 4, 2011. Accordingly, a period of reduction of 5 days is being entered.

As it relates to the calculation of "B delay," Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on March 31, 2008 and the patent not having issued as of the day after the three year date, March 31, 2011, and a request for continued examination under 132(b) having been filed on April 29, 2011. In other words, the 140-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

- (1) Payment of the issue fee, unless a petition under § 1.313 is granted;
- (2) Abandonment of the application; or
- (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by

a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138, 88 U.S.P.Q.2d 1538 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant),

the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years

³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on April 29, 2011, and the patent issued by virtue of that request on October 4, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on April 29, 2011 and ending on October 4, 2011 is not included in calculating Office delay.

CONCLUSION

In view of the above, the patent should have issued with a patent term adjustment of four hundred thirteen (413) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred thirteen (413) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,032,507 B1

DATED : October 4, 2011

INVENTOR(S) : Roberto J. Bayardo

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (418) days

Delete the phrase "by 418 days" and insert – by 413 days--



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OFFICE OF PETITIONS

In re Patent No. 8,032,507	:
Issued: October 4, 2011	:DECISION ON REQUEST
Application No. 12/059,314	: FOR RECONSIDERATION
Filed: March 31, 2008	: OF PATENT TERM ADJUSTMENT :
Attorney Docket No. 16113-0227001	:

This is a decision on the request for reconsideration filed February 17, 2012, pursuant to 37 CFR §1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected from from 413 to 553 days.

This petition is hereby **DENIED**. This decision is a final agency action within the meaning of 5 U.S.C. § 704 for purposes of seeking judicial review. See, MPEP 1002.02.

The patent term adjustment indicated in the previous decision mailed January 17, 2012 is properly indicated.

Patentee maintains that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on May 18, 2011, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 140 day period from May 18, 2011 (the mailing date of the Notice of Allowance) until October 4, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 140 days and be increased from 28 to 168 days. Patentee concludes that the correct patent term adjustment is 553 days (the sum of 451 days of "A delay" and 168 days of "B delay" minus 66 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
- (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
- (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

- (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);
- (2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);
- (3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
- (4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
- (5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Applicant's arguments have been considered.

The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on March 31, 2008 and the patent not having issued as of the day after the three year date, March 31, 2011, and a request for continued examination under 132(b) having been filed on April 29, 2011. In other words, the 140-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application

under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept.

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;
(2) Abandonment of the application; or
(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the

day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138, 88 U.S.P.Q.2d 1538 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

In this instance, a request for continued examination was filed on April 29, 2011, and the patent issued by virtue of that request on October 4, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on April 29, 2011 and ending on October 4, 2011 is not included in calculating Office delay.

CONCLUSION

Accordingly, the decision on application for patent term adjustment has been reconsidered and the request for additional patent term is DENIED.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.



Anthony Knight
Director
Office of Petitions



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In re Patent No. 8,015,190	:	
Bayardo et al.	:	DECISION ON
Issue Date: September 6, 2011	:	REQUEST FOR
Application No. 12/059,318	:	RECONSIDERATION OF
Filed: March 31, 2008	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 16113-0894001	:	
/ GP-994-03	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)," filed November 4, 2011, requesting that the patent term adjustment determination for the above-identified patent be changed from four hundred and forty-three (443) days to five hundred and fifty-one (551) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by four hundred and forty-one (441) days is **GRANTED to the extent indicated herein.**

BACKGROUND

On September 6, 2011, the above-identified application matured into US Patent No. 8,015,190 with a patent term adjustment of 443 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 C.F.R. § 1.705(d).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Patentee disputes two calculations:

1. Patentee asserts that one additional reduction should be assessed, and;

2. Patentee agrees that the over three-year period stops with the filing of a RCE, but argues that the three-year period should restart with the mailing of a notice of allowance.

Regarding the first calculation that is in dispute:

Patentee asserts that a two-day reduction is warranted as a result of the submission of an Information Disclosure Statement (IDS) on May 4, 2011. Patentee asserts that this IDS constitutes a response that is supplemental to the previously submitted Request for Continued Examination on May 2, 2011. The Office agrees that this warrants a reduction of two days pursuant to 37 C.F.R. § 1.704(c)(8). A reduction of two days has been entered.

Regarding the third calculation that is in dispute: whether the over three-year period that has ceased with the filing of a RCE should restart upon the mailing of a notice of allowance:

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
- (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
- (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 C.F.R. § 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance

of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

- (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);
- (2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);
- (3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
- (4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
- (5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

At issue is the period not included in the B-delay for "any time consumed by continued examination of the application requested by the applicant under section 132(b)." See U.S.C. 154(b)(1)(B)(i). **The Office maintains that the entire period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period.** As such, the over three-year period begins on March 31, 2011 and ends on May 1, 2011, the day before the first RCE was filed, which amounts to 31 days.

Patentee argues that the 109-day¹ period between the mailing of the notice of allowance on May 20, 2011 and the issuance of the patent on September 6, 2011 should be included in the period of B-delay, as this time "was not 'consumed by continued examination of the application.'"² As such, Patentee argues that the over three-year period begins on March 31, 2011, pauses on May 2, 2011 (the day of the filing of the RCE), restarts on May 20, 2011 with the mailing of the notice of allowance, and ends on September 6, 2011 with the issuance of the patent.

Patentee's argument has been considered, but not found persuasive. Counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by

¹ Patentee has miscalculated this period to constitute 110 days.

² Petition, page 2.

continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56365, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination"³ requested by the applicant under section 132(b) within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

³ Id.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, No. 07-1492, 580 F.Supp.2d 138 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application

in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)⁴. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

⁴ Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the insurance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance.

Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures⁵ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of

⁵ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

It follows that the patent term adjustment totals 441 (473 examination delay plus 31 B delay minus zero overlap minus 63 applicant delay) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. To the extent that Patentee disputes the effect of the RCE cutoff on B delay, Patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,⁶ hand-delivery,⁷ or facsimile.⁸ Registered

⁶ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁷ Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

⁸ (571) 273-8300: please note this is a central facsimile number.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁹

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred and forty-one (441) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3225.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

⁹ <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,015,190 B1

DATED : September 6, 2011

DRAFT

INVENTOR(S) : Bayardo et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 443 days

Delete the phrase "by 443 days" and insert -- by 441 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 06/23/11

TO SPE OF : ART UNIT 2878

SUBJECT : Request for Certificate of Correction for Appl. No.: 12059402 Patent No.: 7897901

CofC mailroom date: 06/16/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Note: _____

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Gregory J. Epps 2878
S.P.E.
6/23/11

SPE

Art Unit

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/059,421	Filing date:	March 31, 2008
First Named Inventor:	Arvind Gupta		
Title of the Invention:	SYSTEM FOR SUGGESTING CATEGORIES OF MOBILE KEYWORDS TO REVENUE GENERATORS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/035657

The international filing date of the corresponding PCT application(s) is/are: March 2, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

(continued)

First Named Inventor:	Arvind Gupta
-----------------------	--------------

- ☒ WORKSHEET, WORKSHEET, WORKSHEET
Is attached

☐ Has already been filed in the above-identified U.S. application on _____

- ☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

[illegible]

Signature /John G. Rauch/	Date February 1, 2011
Name (Print/Typed) John G. Rauch	Registration Number 37,218



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,421	03/31/2008	Arvind Gupta	12729/358 (Y02900US00)	4923
56020 7590 05/02/2011 BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER MYHRE, JAMES W	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 05/02/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 02 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE
P.O. BOX 10395
CHICAGO IL 60610

In re application of: : **DECISION ON REQUEST TO**
GUPTA, Arvind, et al. : **PARTICIPATE IN PATENT**
Application No.: 12/059,421 : **PROSECUTION HIGHWAY**
Filed: March 31, 2008 : **PROGRAM AND PETITION**
For: SYSTEM FOR SUGGESTING : **TO MAKE SPECIAL UNDER**
CATEGORIES OF MOBILE KEYWORDS : **37 C.F.R. 1.102(d)**
TO REVENUE GENERATORS

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed February 1, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

- (1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following requirements:
 - (a) The U.S. application is a national stage entry of the corresponding PCT application.
 - (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
 - (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
 - (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
 - (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is

accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(8) Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy."

The request to participate in the PPH program does not meet the above requirements in that, with regard to item (4) above, examination of the U.S.

application has already begun. Note the U.S. Office action mailed February 16, 2011.

No time period for reply to this decision is available since the issue outlined above cannot be remedied.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist; at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.

A handwritten signature in black ink, appearing to read 'Robert Weinhardt', is written over a horizontal line.

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/4/29/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**NALCO COMPANY
1601 W. DIEHL ROAD
NAPERVILLE IL 60563-1198**

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
David Ira Weinstein, et al.	:	
Application No. 12/059,425	:	DECISION ON PETITION
Filed: March 31, 2008	:	
Attorney Docket No. 7822 D1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 28, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 30, 2010. Accordingly, the date of abandonment of this application is March 17, 2011. The Notice of Abandonment was mailed March 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,620 and the publication fee of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NBCUniversal Media, LLC
c/o Fletcher Yoder, P.C.
PO Box 692289
Houston TX 77269-2289

MAILED
APR 15 2011
OFFICE OF PETITIONS

In re Application of :
WHITE et al. :
Application No. 12/059,466 : DECISION ON PETITION
Filed: March 31, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 228217-2 (NBCU:0055) :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 23, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is

included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

In regards to item (3), it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. *See* 37 CFR 10.18(b) and *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 *Fed. Reg.* 53131, 53178 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

A handwritten signature in black ink, appearing to read "Chris Bottorff", with a stylized flourish at the end.

Christopher Bottorff
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 18 2010

OFFICE OF PETITIONS

**LERNER GREENBERG STEMER LLP
PO BOX 2480
HOLLYWOOD FL 33022-2480**

In re Application of	:	
Alexander KONSTANTINOU	:	
Application No. 12/059,467	:	DECISION ON PETITION
Filed: March 31, 2008	:	TO WITHDRAW
Attorney Docket No. F-9003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 24, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Laurence A. Greenberg on behalf of the attorneys of record associated with Customer No. 24131.

The attorneys of record associated with Customer No. 24131 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ALEXANDER KONSTANTINOU
16528 SADDLE CLUB ROAD
WESTON FL 33328



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/059,467	03/31/2008	Alexander Konstantinou	F-9003

CONFIRMATION NO. 5004

POWER OF ATTORNEY NOTICE



Date Mailed: 10/13/2010

24131
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/24/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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KRAMER LEVIN NAFTALIS & FRANKEL, LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

MAILED

NOV 08 2011

OFFICE OF PETITIONS

In re Application of
Douglas J. Duchon, et. al.
Application No. 12/059,500
Filed: March 31, 2008
Attorney Docket No. 57173-1503

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 23, 2011, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on April 19, 2010. A Notice of Abandonment was mailed on February 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay¹. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 3763 for review of the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement.



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED

AUG 25 2010

In re Application of	:	OFFICE OF PETITIONS
Holtzman et al.	:	DECISION ON PETITION
Application No. 12/059,579	:	TO WITHDRAW
Filed: March 31, 2008	:	FROM RECORD
Attorney Docket No. 639562000200	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 6, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).


The request was signed by Alex Chartove on behalf of all attorneys of record who are associated with customer No. 25227.

All attorneys/agents associated with the Customer Number 25227 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Currently, there is an outstanding Office action mailed August 16, 2010 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.


Joan Olszewski
Petitions Examiner
Office of Petitions



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VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON VA 22201-2909

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Application of :
Kristopher T. Frazier, et al. :
Application No. 12/059,585 : **DECISION ON PETITION**
Filed: March 31, 2008 :
Attorney Docket No. 20070530 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 1, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 1, 2010. Accordingly, the date of abandonment of this application is March 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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JUN 08 2011

PCT LEGAL ADMINISTRATION

JHK Law
P.O. Box 1078
La Canada CA 91012-1078

In re Application of
Kim et al
Application No.: 12/059,611
Filing Date: 31 March 2008
Attorney's Docket No.: 12040-08USA
For: ANTI OBESITY COMPOSITION

: DECISION ON
:
:
: PETITION UNDER
:
: 37 CFR 1.78(a)(3)

This is in response to applicants' communication "PETITION UNDER 37 CFR 1.78(a)(3) – Petition to Accept an Unintentionally Delayed Benefit Claim," filed 09 March 2011.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior filed application, unless previously submitted:

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Regarding requirement (1) a proper reference to the prior-filed international applications have been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

Regarding requirement (2), the surcharge has been provided by credit card.

Regarding requirement (3), the proper statement has been provided.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§120 and 365(c) to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **GRANTED**.

Any questions concerning this matter may be directed to Rafael Bacares at (571) 272-3276. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application will be forwarded to Technology Center Art Unit 1655 for examination.

Rafael Bacares
Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

Boris Milef
Legal Examiner
PCT Legal Administrative Office



UNITED STATES PATENT AND TRADEMARK OFFICE

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March 10, 2011

Michael E. Fogarty
McDermott Will & Emery LLP
600 13th Street, NW
Washington DC 20005-3096

Patent No. : 7,741,228 B2
Ser. No. : 12/059,768
Inventor(s) : Akira Ueki, et al.
Issued : June 22, 2010
Docket No. : 079195-0442
Title : **METHOD FOR FABRICATING SEMICONDUCTOR DEVICE**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460 or (703) 756-1814

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

MAY 05 2011

OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY, LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

In re Patent No. 7,741,228
Issue Date: June 22, 2010
Application No. 12/059,768
Filed: March 31, 2008
Patentee(s): Akira Ueki, et. al.

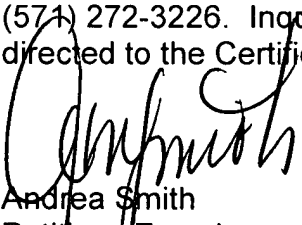
ON PETITION

This is a decision on the petition under 37 CFR 3.81(b) filed March 31, 2011, which is being treated as a request under 37 CFR 3.81(b), to add the name of an additional assignee on the front page of the above-identified patent by way of a Certificate of Correction.

Since the present request complies with the requirements of 37 CFR 3.81(b), the request is **GRANTED**.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,961	03/31/2008	Mac W. Orcutt	SP-1501 US	5786
7590 09/29/2011			EXAMINER	
Solae, LLC 4300 Duncan Avenue Legal Department E4 St. Louis, MO 63110			BECKER, DREW E	
			ART UNIT	PAPER NUMBER
			1782	
			NOTIFICATION DATE	DELIVERY MODE
			09/29/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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September 27, 2011

Solae, LLC
4300 Duncan Avenue
Legal Department E4
St. Louis MO 63110

In re Application of
ORCUTT, MAC W., et al.
Application No: **12/059961**
Filed: **03/31/2008**
Attorney Docket: **SP-1501 US**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 31, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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SOLAE, LLC
4300 DUNCAN AVENUE
LEGAL DEPARTMENT E4
ST. LOUIS MO 63110

MAILED
OCT 07 2011

OFFICE OF PETITIONS

In re Application of :
Mac W. Orcutt et al :
Application No. 12/059,961 : DECISION GRANTING PETITION
Filed: March 31, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SP-1501 US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 4, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 30, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1782 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



UNITED STATES PATENT AND TRADEMARK OFFICE

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SPRINKLE IP LAW GROUP / ZIMMER
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of

KING, Emily E. et al.

Application No. 12/059,982

Filed: March 31, 2008

Attorney Docket No. **1292.1399101**

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 15, 2012.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Sprinkle IP Law Group/Zimmer has been revoked by the assignee of the patent application on February 13, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the new address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHWABE WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 S.W. FIFTH AVE.
PORTLAND OR 97204

MAILED
AUG 04 2011
OFFICE OF PETITIONS

In re Application of :
Jaya L. Jeyaseelan et al :
Application No. 12/059,992 : **DECISION GRANTING PETITION**
Filed: March 31, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 113622-158954 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 3, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 17, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2116 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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**COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001**

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of	:	
PERRY, Daniel et al.	:	
Application No. 12/059,999	:	DECISION ON PETITION
Filed: March 31, 2008	:	TO WITHDRAW
Attorney Docket No. BOBJ-198/00US 304661-	:	FROM RECORD
2436	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 04, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the address has been changed. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON DC 20001**

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12060001	
Filing Date	31-Mar-2008	
First Named Inventor	Huang Howard	
Art Unit	2624	
Examiner Name	ERIC RUSH	
Attorney Docket Number	5234/0306PUS1	
Title	SYSTEM AND METHOD FOR INSPECTING ELECTRONIC DEVICE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 60601		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	INVENTEC APPLIANCES CORP.	
Address	No. 37, Wugung 5 Rd. Wugu Industrial Park	
City	Wugu Hsiang, Taipei	
State		
Postal Code	248	
Country	TW	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Joe McKinney Muncy/
Name	Joe McKinney Muncy
Registration Number	32334



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : April 8,2011

In re Application of :

Huang Howard

Application No : 12060001

Filed : 31-Mar-2008

Attorney Docket No : 5234/0306PUS1

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 8,2011

The request is **APPROVED**.

The request was signed by Joe McKinney Muncy (registration no. 32334) on behalf of all attorneys/agents associated with Customer Number 60601 . All attorneys/agents associated with Customer Number 60601 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name INVENTEC APPLIANCES CORP.

Name2

Address 1 No. 37, Wugung 5 Rd.

Address 2 Wugu Industrial Park

City Wugu Hsiang, Taipei

State

Postal Code 248

Country TW

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

22 SEP 2010



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JHK LAW
P.O. BOX 1078
LA CANADA CA 91012-1078

In re Application of	:	
Kim et al.	:	DECISION ON PETITION
Application No. 12/060,056	:	
Filed: March 31, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 58049-10CON	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 30, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) petitioner has made a proper statement of unintentional delay. Accordingly, having found that

the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application(s) under 37 CFR 1.78(a)(3) should not be construed as meaning that this (these) application(s) is (are) entitled to the benefit of the prior-filed application(s). In order for this application to be entitled to the benefit of the prior-filed application(s), all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application(s), accompanies this decision on petition.

Any inquiries concerning this decision may be directed to George Dombroske at (571) 272-3283. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1646 for appropriate action on the amendment filed March 30, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application(s).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Ian Anthony Treleaven
Application No. 12/060,064
Filed: March 31, 2008
Attorney Docket No. BOBJ-211/00US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

Petitioner should note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, since the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office, the request cannot be granted at the present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS SA
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE, LTD
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON, DC 20001



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www.uspto.gov

Parks IP Law LLC
1117 PERIMETER CENTER WEST
SUITE E402
ATLANTA GA 30338

MAILED DEC 20 2010

In re Application of: Hardeep Melamed
Application No.: 12/060071
Filed: March 31, 2008
Title: TRANSFERABLE PURSE ORGANIZER

: DECISION ON PETITION TO
: MAKE SPECIAL FOR NEW
: APPLICATION UNDER 37
: C.F.R. § 1.102 & M.P.E.P. §
: 708.02
:

This is a decision on the petition filed on November 22, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before

the effective date will not be eligible for the revised accelerated examination program. The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. The Notice of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) can be accessed on the internet at

<http://www.uspto.gov/web/offices/com/sol/notices/71fr36323.pdf>

Further guidance may be found website of the USPTO at

<http://www.uspto.gov/web/patents/accelerated>

under the accelerated examination link.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.

/Linda Sholl/
Linda Sholl
Special Program Examiner
Technology Center 3700



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WILLIAM S. GALLIANI
777 SIXTH STREET NW, SUITE 1100
WASHINGTON, DC 20001

MAILED

MAY 27 2011

OFFICE OF PETITIONS

In re Application of	:	
GADD, et al	:	
Application No. 12/060,118	:	DECISION ON PETITION
Filed: March 31, 2008	:	TO WITHDRAW
Attorney Docket No. 34874-736F01US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 25, 2011.

The request is **NOT APPROVED**.

The Request to withdraw from record cannot be approved because the change of correspondence address is not that of a new practitioner or law firm who has filed a proper power of attorney in the Office.

All future communications from the Office will continue to be directed to the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MINTZ LEVIN COHN FERRIS GLOVSKY
POPEO PC
ONE FINANCIAL CENTER
BOSTON, MA 02110



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AT & T LEGAL DEPARTMENT – WS
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINSTER, NJ 07921

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Martin Birk, et al.	:	
Application No. 12/060,303	:	DECISION ON PETITION
Filed: April 1, 2008	:	
Attorney Docket No. 2004-0398CON	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 18, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 19, 2009.

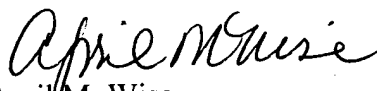
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2886 for appropriate action by the Examiner in the normal course of business on the reply received August 12, 2010.


April M. Wise
Petitions Examiner
Office of Petitions

cc: XIAOLEI D. SUN
WOLFF & SAMSON, PC
ONE BOLAND DRIVE
WEST ORANGE, NJ 07052



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400 EAST VAN BUREN
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PHOENIX, AZ 85004-2202

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Steven Cullen
Application No. 12/060,347
Filed: April 1, 2008
Attorney Docket No. 51487.2117

ON PETITION

This is a decision on the petition filed February 22, 2011 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed May 26, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 27, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication Fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

The change of correspondence address submitted with the petition on February 22, 2011 is not accepted. The change of correspondence address is signed by Peter Johnson. The Office record does not list Mr. Johnson as the attorney or agent of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Peter Johnson
4511 S. Hollow Rd.
Nibley, UT 84321



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MAILED

AUG 30 2011

PCT LEGAL ADMINISTRATION

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Application of: GINIES, Pierre, et al.	:	
U.S. Application No.: 12/060,394	:	DECISION ON PETITION UNDER
Filing Date: April 01, 2008	:	37 CFR 1.78(a)(3)
Atty's Docket No.: 67338-002: 08 01 288 090	:	
For: TEMPORARY SELF-	:	
LUBRICATING COATING FOR	:	
SCROLL COMPRESSOR	:	

This is a decision on the "RULE 78 PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM" filed July 28, 2011, considered herein under 37 CFR 1.78(a)(3). The petition seeks to add to the present application a benefit claim identifying the application as a continuation of prior-filed international application PCT/IB2008/001318.

The petition is **GRANTED**.

37 CFR 1.78(a)(3) applies where, as here, an application was filed on or after November 29, 2000 and, after the expiration of the time period specified in 37 CFR 1.78(a)(2)(ii), the applicant seeks to add a benefit claim under 35 U.S.C. 120 and 365(c) directed to a prior-filed international application designating the United States.

A grantable petition under 37 CFR 1.78(a)(3) must include the following:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

The present petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that: (1) a proper reference identifying the present application as a continuation of the prior-filed international application was included in the amendment to the first sentence of the specification filed with the petition on July 28, 2011; (2) applicants have submitted payment of the required surcharge; and (3) the petition includes a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of the unintentionally delayed benefit claim under 35 U.S.C. 120 and 365(c) to the prior filed

international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is appropriately granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed international application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the Filing Receipt accompanying this decision on petition will include the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application, accompanies this decision.

Any questions concerning this decision may be directed to the undersigned. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3748 for further examination and for appropriate consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. 120 and 365(c) to the prior-filed international application.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
(571) 272-3296

ATTACHMENT: Corrected Filing Receipt



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Bacoustics, LLC
5929 BAKER ROAD
SUITE 470
MINNETONKA MN 55345

MAILED
AUG 19 2010
OFFICE OF PETITIONS

In re Application of	:	
Eilaz Babaev	:	
Application No. 12/060,450	:	DECISION ON PETITION
Filed: April 1, 2008	:	TO MAKE SPECIAL
Attorney Docket No.	:	37 CFR 1.102
	:	

This is a decision on the petition under 37 CFR 1.102 filed June 30, 2010, the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney at 571-272-3222.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3731 for action on the merits commensurate with this decision.



Chris Bottorff
Supervisor
Office of Petitions



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300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Pulley, et al.	:	
Application No. 12/060,544	:	DECISION
Filed/Deposited: 1 April, 2008	:	
Attorney Docket No. 02-1061-A-CON	:	

This is a decision on the petition filed on 7 June, 2010, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Applicant failed to reply timely and properly to the non-final Office action mailed on 11 August, 2009, with reply due absent extension of time on or before 11 November, 2009.

The application went abandoned by operation of law after midnight 11 November, 2009.

The Office mailed the Notice of Abandonment on 5 April, 2010.

On Monday, 7 June, 2010, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 and averred timely reply, with, *inter alia*, a request and fee for extension of time and a copy of the averred timely reply (amendment) submitted 12 February, 2010, and with an electronic acknowledgement receipt of that date in support, with averred true copies of the receipt and the reply, and Petitioner's statement, along with the reference to the Office website and Notice.¹

Petitioners always are directed with regard to a petition pursuant to the regulations at 37 C.F.R. §1.181 to the guidance in the Commentary at MPEP §711.03(c)(I).

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely reply:

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous

¹ The Office website (at: http://www.uspto.gov/news/index_emergency.jsp) announced:

In view of the official closing of the Federal government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), from Monday, February 8, 2010 through Thursday, February 11, 2010, the USPTO will consider each day from Monday, February 8, 2010 through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any action or fee due from Monday, February 8, 2010 through Thursday, February 11, 2010 (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered as timely for the purposes of, e.g., 35 U.S.C. §§ 1051(b), 1058, 1059, 1062(b), 1063, 1064, 1126(d), or 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee paid, on the next succeeding business day on which the USPTO is open. 37 C.F.R. §§ 1.7(a) and 2.196.

timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.²

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.³

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

² See: MPEP §711.03(c) (I)(B).

³ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{4 5}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁶

⁴ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁵ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt; and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁶ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/060,544

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears to have made the showing required.


CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted**, and the 5 April, 2010, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 1625 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁷) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁷ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 24, 2011

TO SPE OF : ART UNIT 1633 - SPE Joseph T. Woitach

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/060,617 Patent No.: 7,846,725 S

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Should the Related U.S. Application, Item (62), is to be amended to read as requested by applicant? *See COCIN dated 2-9-2011*

Antonio Johnson

**Certificates of Correction Branch
(571)272-0483**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: Amendments provide no new matter and are consistent with previous
claim for priority. **SPE** /Joe Woitach/ **Art Unit** 1633



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,716	04/01/2008	William H. Eby	1421-334	7155
32905	7590	11/01/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C.			COLLINS, CYNTHIA E	
858 HAPPY CANYON ROAD, SUITE 230			ART UNIT	PAPER NUMBER
CASTLE ROCK, CO 80108			1638	
			NOTIFICATION DATE	DELIVERY MODE
			11/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

NOV - 1 2011

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/060,716

Filed: April 1, 2008

Attorney Docket No.: 1421-334

: : : : :

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed April 29, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on April 29, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : February 14, 2012

In re Application of :

William Eby

Application No : 12060716

Filed : 01-Apr-2008

Attorney Docket No : 1421-334

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12060716	
Filing Date	01-Apr-2008	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	CYNTHIA COLLINS	
Attorney Docket Number	1421-334	
Title	Soybean Cultivar 7535357	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12060718	
Filing Date	01-Apr-2008	
First Named Inventor	Mikio Yamamoto	
Art Unit	3721	
Examiner Name	HEMANT DESAI	
Attorney Docket Number	TTEC/0048	
Title	FOLDING ROLLER FOR SHEET PROCESSING APPARATUS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Walter C. Grollitsch/
Name	Walter C. Grollitsch
Registration Number	48678



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 5, 2011

In re Application of :

Mikio Yamamoto

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12060718

Filed : 01-Apr-2008

Attorney Docket No : TTEC/0048

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 5, 2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3721 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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19935 Cliffrose Drive
Bend OR 97702

MAILED

AUG 31 2010

OFFICE OF PETITIONS

In re Application of	:	
Ayers et al.	:	
Application No.: 12/060813	:	DECISION ON
Filing or 371(c) Date: 04/01/2008	:	PETITION
Title of Invention:	:	
TIE-DOWN STRAP SYSTEM	:	

This is a decision in response to the correspondence filed May 28, 2010, and supplemented June 7, 2010. The correspondence is properly treated as a petition under 37 CFR 1.181 (no fee), to withdraw the holding of abandonment based upon non-receipt of an Office communication. Applicants also file a paper requesting the addition of Tom Lothrop as an inventor. The request to add Tom Lothrop as an inventor is properly treated as a petition under 37 CFR 1.48(a).

This Petition under 37 CFR 1.181 is hereby **dismissed**.

This Petition under 37 CFR 1.48 is hereby **dismissed**.

Any further petitions *must be submitted within TWO (2) MONTHS* from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. (Extensions of time require a fee). The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]," and **should only address the deficiencies noted below**. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed September 21, 2009. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on November 21, 2009. A Notice of Abandonment was mailed June 1, 2010.

Petition under 37 CFR 1.181

Applicants file the present petition and state that they did not receive the Notice, mailed September 21, 2009. Applicants also state that the file jacket does not contain the Notice, and Applicants file what appears to be a copy of the contents of the application file jacket, although no statement attesting to the filing of a copy of the file jacket has been included with the petition.

Petition under 37 CFR 1.48(a)

Applicants also file a paper requesting the addition of Tom Lothrop as an inventor, and provide that there was a mix-up in the original paperwork and he should have been listed originally. Further to this, a statement from Mr. Lothrop is provided wherein Mr. Lothrop provides that he signed the original oath/declaration, but did not include his printed name thereon. Petitioner does not believe that he should have to pay to be added as an inventor because his signature was on the original oath/declaration and his signature was on the original document including his printed name and signature on the payment information for the present application.

Applicable Law, Rules and MPEP**Separate petitions**

Petitioner is advised that a petition to withdraw the holding of abandonment and a petition to correct inventorship are different matters and require separate filings. The Applicable Rule, 37 CFR 1.4(c) states: "Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects.

Moreover, a petition to withdraw the holding of abandonment has different requirements and different fees from a petition to correct inventorship. There is no fee in connection with a petition to withdraw the holding of abandonment. The fee for a petition to correct inventorship is currently \$130.00. The following information describing the requirements for granting the different petitions; analyzing the information applicants have filed, and comparing what applicants have filed to the requirements, is provided:

Petition to withdraw the holding of abandonment

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the

practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably the petition to withdraw the holding of abandonment based upon non-receipt of the Notice is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the petitioner describing the system used for recording an Office action received at the correspondence address of record. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the petitioner's record(s) required to show non-receipt of the Office action should include either a copy of the master docket (usually for a law firm), or if no such master docket exists, the petitioner should so state and provide other evidence such as, but not limited to, the following: a copy of the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition to withdraw the holding of abandonment based upon non-receipt of the Notice is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of application file, where the non-received Notice would have been entered had it been received.

Petition to correct inventorship

Under 37 CFR 1.48(a), if the correct inventor or inventors are not named in an executed

oath or declaration under 37 CFR 1.63 in a nonprovisional application for patent, the application can be amended to name only the actual inventor or inventors so long as the error in the naming of the inventor or inventors occurred without any deceptive intention on the part of the person named as an inventor in error or the person who through error was not named as an inventor.

The applicable Rule, 37 CFR 1.48(a), requires that the amendment be accompanied by:

- (1) a request to correct the inventorship that sets forth the desired inventorship change;
- (2) a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;
- (3) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;
- (4) the fee set forth in 37 CFR 1.17 (i); and
- (5) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

Analysis

Applicants have filed a paper requesting the addition of Tom Lothrop as an inventor, and provide that there was a mix-up in the original paperwork and he should have been listed originally. Further to this, a statement from Mr. Lothrop is provided wherein Mr. Lothrop states that he signed the original oath/declaration, but did not include his printed name thereon. Petitioner does not believe that he should have to pay to be added as an inventor because his signature was on the original oath/declaration and his signature was on the original document including his printed name and signature on the payment information for the present application. As to item (2), a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part, is required.

The petition lacks item(s) (2) and (4).

As to item (2), a statement from Mr. Lothrop, that the error occurred without deceptive intention on his part, is required.

As to item (4), the fee required by 37 CFR 1.17(i), is currently \$130.00.

Conclusion

The petition to add Tom Lothrop under 37 CFR 1.48(a) is dismissed without prejudice. Applicant should file a request for reconsideration of petition (separately from any other petition or request), and include the necessary statement and petition fee.

Petitioner's are reminded that all correspondence filed with this Office must be signed by all of the applicants. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Applicants/Petitioners are also advised that it is their responsibility to either retain counsel to prosecute their application, or to familiarize themselves with the laws, rules of practice and Manual of patent Examining procedure ("MPEP"). An Applicant who elects to proceed in prosecuting his application without an attorney steps into the shoes of the attorney. The rules of practice do not diverge depending upon whether one is an attorney or an applicant appearing before this Office in proper person (without an attorney or agent). It is Applicant's obligation to inform himself about the obligations associated with prosecuting his application. See, California Med. Prods. V. Tecnol Med., 921 F.Supp 1219 (D. Del. 1995).

Applicants are advised that the Inventor's Assistance Center is available, at 1-800-786-9199, for assistance in prosecuting the patent application. Applicants are also advised that a list of registered practitioners is available at www.uspto.gov/main/patents.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DW/

Derek Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Innovation Experts LLC
19935 Cliffrose Drive
Bend OR 97702

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Ayers et al.	:	
Application No.: 12/060813	:	DECISION ON
Filing or 371(c) Date: 04/01/2008	:	PETITION
Title of Invention:	:	
TIE-DOWN STRAP SYSTEM	:	

This is a decision in response to the renewed petition under 37 CFR 1.181, filed September 21, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed September 21, 2009. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on November 21, 2009. A Notice of Abandonment was mailed June 1, 2010.

With the present renewed petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

The application will be referred to the Office of Patent Application Processing for processing of the response to the Notice, filed on June 7, 2010, and for continued processing in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DW/

Derek Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Innovation Experts LLC
19935 Cliffrose Drive
Bend OR 97702

MAILED
OCT 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Ayers et al.	:	
Application No.: 12/060813	:	DECISION ON
Filing or 371(c) Date: 04/01/2008	:	PETITION
Title of Invention:	:	
TIE-DOWN STRAP SYSTEM	:	

This is a decision in response to the renewed petition under 37 CFR 1.48(a), filed September 21, 2010.

This Petition is hereby **granted**.

Background

Applicant filed a Petition to Correct Inventorship under 37 CFR 1.48(a) on May 28, 2010, and supplemented on June 7, 2010.

The petition to correct inventorship was dismissed in a Decision mailed August 31, 2010. The Decision dismissing the petition to correct inventorship required a statement from each person being added and/or from each person being deleted that the error occurred without deceptive intent on his or her part, and also required the fee set forth in 37 CFR 1.17(i).

A grantable petition under 37 CFR 1.48(a) requires:

- (1) a request to correct the inventorship that sets forth the desired inventorship change;
- (2) a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;
- (3) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;
- (4) the fee set forth in 37 CFR 1.17(i); and
- (5) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The present renewed petition

Petitioner files the present renewed petition and includes a statement from each person being added and/or from each person being deleted that the error occurred without deceptive intent on his or her part, and the fee set forth in 37 CFR 1.17(i).

Accordingly, the petition is granted. A corrected Filing Receipt identifying the inventorship of the application is enclosed.

A Decision on the petition to withdraw the holding of abandonment based upon non-receipt of an Office action is being mailed on even date herewith.

The application is being referred to the Office of Initial Patent Examination for continued processing in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/060,813	04/01/2008	3677	500	strapmarch312008	17	1

CONFIRMATION NO. 7388

CORRECTED FILING RECEIPT

Innovation Experts LLC
19935 Cliffrose Drive
Bend, OR 97702



Date Mailed: 10/06/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Aaron Ayers, Granite Falls, WA;
Donald Young, Marysville, WA;
Thomas John Lothrop, Bend, OR;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/18/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/060,813**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Tie-down strap system

Preliminary Class

024

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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United States Patent and Trademark Office
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TRENNER LAW FIRM, LLC
(MARK D. TRENNER)
1153 BERGEN PKWY #115
EVERGREEN CO 80439

MAILED

FEB 16 2012

OFFICE OF PETITIONS

In re Application of
Benjamin Johnson
Application No. 12/060,827
Filed: April 1, 2008
Attorney Docket No.: 3370-O06-USP

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 27, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on September 15, 2009 for failure to timely file a reply to the Final Office action mailed June 12, 2009 which set a three (3) month shortened statutory period for reply. Accordingly, a Notice of Abandonment was mailed December 18, 2009.

The Notice of Appeal filed January 27, 2012, with the instant petition, in response to the Final Office Action, has been entered and made of record. Accordingly, the two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, runs from the date of this decision.

This matter is being referred to Technology Center 1627 for processing of the Notice of Appeal.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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STRAUB & POKOTYLO
788 SHREWSBURY AVENUE
TINTON FALLS NJ 07724

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DEC 05 2011

OFFICE OF PETITIONS

In re Application of	:	DECISION GRANTING PETITION
CHOLAS et al.	:	UNDER 37 CFR 1.78(a)(3)
Application No. 12/060,852	:	
Filed: 04/01/2008	:	
Atty Docket No. TW-16APP (TWC 07-03)	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 9, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 11/378,129 filed March 16, 2006, set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional applications pursuant to 37 CFR 1.78(a)(3) is applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 2437 for consideration by the examiner of applicant's entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/060,852	04/01/2008	2437	1660	TW-16APP (TWC 07-03)	30	2

CONFIRMATION NO. 7459

CORRECTED FILING RECEIPT



OC000000051295806

26479
STRAUB & POKOTYLO
788 Shrewsbury Avenue
TINTON FALLS, NJ 07724

Date Mailed: 12/05/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Chris Cholas, Frederick, CO;
George Sarosi, Charlotte, NC;
William Helms, Longmont, CO;
Louis D. Williamson, Denver, CO;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/909,476 04/01/2007
and is a CIP of 11/378,129 03/16/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 04/24/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/060,852**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND APPARATUS FOR CONNECTING A CABLE NETWORK TO OTHER NETWORK
AND/OR DEVICES

Preliminary Class

380

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO FL 32802-3791

MAILED

JAN 12 2012

OFFICE OF PETITIONS

In re Application of	:	
Henry M. Whetstone, Jr.	:	
Application No. 12/060,857	:	DECISION ON PETITION
Filed: April 1, 2008	:	TO WITHDRAW
Attorney Docket No. 60351	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 20, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jeremy B. Berman on behalf of all attorneys/agents associated with customer number 27975. All attorneys/agents associated with customer number 27975 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Henry M. Whetstone, Jr.
Whetstone Industrial Holdings, Inc.
100 Whetstone Place, Suite 100
St. Augustine, FL 32086



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/060,857	04/01/2008	Henry M. Whetstone JR.	60351

27975
ADDMG - 27975
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

CONFIRMATION NO. 7470
POWER OF ATTORNEY NOTICE



OC000000051976614

Date Mailed: 01/12/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/20/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,959	04/02/2008	Rodney D. Palmer	IPX08PALM001	7656
62973	7590	09/01/2010	EXAMINER	
JAY M. SCHLOFF			NGUYEN, THUKHANH T	
6960 Orchard Lake Road			ART UNIT	PAPER NUMBER
Suite 315			1791	
West Bloomfield, MI 48322			MAIL DATE	DELIVERY MODE
			09/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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SEP 01 2010

wk

In re application of
Palmer
Serial No. 12/060,959
Filed: April 2, 2008
For: Snow Ball Forming Apparatus

:
:
:
:
:
DECISION ON
PETITION

This is a decision on the request filed on August 30, 2010. The request is to reset the response period from the Office Action mailed February 2, 2010 because of non-receipt.

Applicant submitted a new power of attorney on November 8, 2009 along with a change in correspondence address. A review of the file and copies of the submitted documents shows that the power of attorney was submitted for application number 12/060,989 rather than the current application 12/060,959. The power of attorney submitted on November 8, 2009 was not entered into the current file since it indicated a different application number.

The Office Action of February 2, 2010 was properly mailed to the Attorney of Record.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114).

The Petition is **DENIED**.

The period for response will run from the mail date of February 2, 2010.

/W. GARY JONES/
Gary W. Jones, Director
Technology Center 1700
Chemical and Materials Engineering

Law Office of Jerry D. Haynes, P.A.
P.O. Box 350392
Fort Lauderdale, FL 33334



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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

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JUL 01 2011

OFFICE OF PETITIONS

In re Patent No. 7,787,096	:	
Issue Date: August 31, 2010	:	
Application No. 12/060,980	:	DECISION ON PETITION
Filed: April 02, 2008	:	
Attorney Docket No. 501.39610CC3	:	

This is a decision on the petition under 37 CFR 1.183 filed March 24, 2011, which is being treated as a petition under 37 CFR 3.81(b) to accept the correction of the assignee on the front page of the above-identified patent.

The petition is **DISMISSED**.

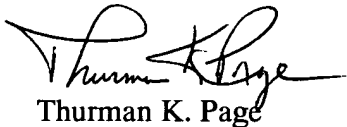
Petitioner requests issuance of a certificate of correction in the name of "Hitachi, Ltd., Tokyo (JP) and Hitachi Device Engineering Co., Ltd., Chiba-ken (JP)."

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

The Office assignment records, indicates that no assignment was submitted for recordation. Accordingly, since there are no assignment records for this patent, issuance of a certificate of correction would not be proper.

Telephone inquiries concerning this decision on petition should be directed to Michelle R. Eason at (571) 272-4231.

A handwritten signature in black ink, appearing to read 'Thurman K. Page', with a stylized, flowing script.

Thurman K. Page
Petitions Examiner
Office of Petitions



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1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

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NOV 21 2011

OFFICE OF PETITIONS

In re Patent No. 7,787,096	:	
Issue Date: August 31, 2010	:	
Application No. 12/060,980	:	DECISION ON PETITION
Filed: April 02, 2008	:	
Attorney Docket No. 501.39610CC3	:	

This is a decision on the renewed petition, filed, August 18, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the correct assignee's names are "Hitachi, Ltd., Tokyo (JP) and Hitachi Device Engineering Co., Ltd., Chiba-ken (JP)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:


After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Hitachi, Ltd., Tokyo (JP) and Hitachi Device Engineering Co., Ltd., Chiba-ken (JP)" are the assignees of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

A handwritten signature in black ink, appearing to read "Thurman Page", with a stylized, flowing script.

Thurman Page
Petitions Examiner
Office of Petitions



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Somers NY 10589-0100

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OFFICE OF PETITIONS

In re Application of	:	
Michael Baentsch, et al.	:	
Application No. 12/061,134	:	DECISION ON PETITION
Filed: April 2, 2008	:	
Attorney Docket No. CH920070101US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 10, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before January 19, 2012, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 19, 2011. Accordingly, the date of abandonment of this application is January 20, 2012. The Notice of Abandonment was mailed February 7, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) corrected formal drawings, (2) the petition fee of \$1,860; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

July 13, 2011

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

In re Application of	:	
Holger Schmidt et al.	:	DECISION ON PETITION
Application No. 12061165	:	
Filed: 04/02/2008	:	<i>ACCEPTANCE OF COLOR</i>
Attorney Docket No. UCSC-0012	:	<i>DRAWINGS</i>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 23, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,165	04/02/2008	Holger Schmidt	UCSC-0012	8009

7590 07/15/2011
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

EXAMINER

SANGHAVI, HEMANG

ART UNIT	PAPER NUMBER
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2874

NOTIFICATION DATE	DELIVERY MODE
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07/15/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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EMERSON, THOMSON & BENNETT, LLC
777 W. MARKET STREET
AKRON OH 44303

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Steven FEIT	:	
Application No. 12/061,207	:	DECISION ON PETITION
Filed: April 02, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 30515.41667	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed July 26, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2885 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.



Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/061,207	04/02/2008	2885	1030	30515.41667	9	3

CONFIRMATION NO. 8066

CORRECTED FILING RECEIPT



OC000000043463917

78340

Emerson, Thomson & Bennett, LLC
1914 Akron-Peninsula Road
Akron, OH 44313

Date Mailed: 09/14/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Steven Feit, Raymond, OH;

Power of Attorney:

Roger Emerson--33169
Timothy Bennett--42312

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/016,919 12/27/2007

Foreign Applications

If Required, Foreign Filing License Granted: 04/18/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/061,207**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

HEAD UNIT BACKGROUND ILLUMINATION

Preliminary Class

362

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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CENTRAL FAX CENTER
JUN 17 2011

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/22/11TO SPE OF : ART UNIT 2448SUBJECT : Request for Certificate of Correction for Appl. No.: 12061233 Patent No.: 7895320CofC mailroom date: 03/14/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

~~You can fax the Directors/SPE response to 571-272-9990~~

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.


☒ **Approved**

All changes apply.

☐ **Approved in Part**Specify below which changes **do not** apply.☐ **Denied**

State the reasons for denial below.

Comments: _____


SPE2448
Art Unit



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Eric A. Gifford (Raytheon Company)
11770 E. Calle del Valle
Tucson AZ 85749

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APR 04 2011

OFFICE OF PETITIONS

In re Patent No. 7,883,580	:	
Issue Date: 02/08/2011	:	
Application Number: 12/061,317	:	ON PETITION
Filing or 371(c) Date: 04/02/2008	:	
Attorney Docket Number: RAYTI.5600	:	


This is a decision on the petition filed on February 12, 2011, which is a request under 37 CFR 3.81(b)¹ to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Receipt of the required processing and certificate of correction fees is acknowledged.

A review of the Official file reveals that a Certificate of Correction correcting the name of the assignee was mailed on March 22, 2011. Accordingly, no further action is required by the Office in response to this request.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,319	04/02/2008	Salvatore Privitera	ATR04-GN012	8262
30074 7590 01/11/2012 TAFT, STETTINIUS & HOLLISTER LLP SUITE 1800 425 WALNUT STREET CINCINNATI, OH 45202-3957			EXAMINER LAUER, CHRISTINA C	
			ART UNIT	PAPER NUMBER
			3773	
			MAIL DATE	DELIVERY MODE
			01/11/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI OH 45202-3957

In re Application of:

PRIVITERA, SALVATORE et al

Serial No.: 12/061,319

Filed: April 2, 2008

Docket: ATR04-GN012

Title: SURGICAL INSTRUMENT WITH
SEPARATE TOOL HEAD AND
METHOD OF USE

DECISION ON PETITION
FOR REVIEW OF
RESTRICTION
REQUIREMENT

This is a decision on the petition filed on September 30, 2011 by which petitioner requests withdrawal of restriction requirement and withdrawal of the finality of the last Office action mailed September 16, 2011 because the restriction was not issued in a non-final Office action. This petition is considered as if pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **DISMISSED AS PREMATURE**.

The record shows that:

- 1) In the non-final Office action of March 28, 2011, the examiner issued a restriction requirement without any explanation as to why the disclosed and claimed various inventions are distinct or independent in accordance with MPEP 800. However, there was indication in the Office action that an election without traverse was made on March 1, 2011.
- 2) In response to the non-final Office action of March 28, 2011, the applicant filed a Rule 111 claim amendment on June 28, 2011. In addition, the applicant also requested the examiner to state the basis of the restriction requirement in the next Office action because the non-final Office action of March 28, 2011 failed to state any basis of the restriction requirement. However, the applicant did acknowledge there was a telephone restriction requirement made on March 1, 2011.
- 3) On September 16, 2011, the examiner issued a final rejection on the elected claims 10-16, 23 and 24 and withdrew consideration from the non-elected claims 1-9 and 17-22. In addition, the examiner explained why the various disclosed and claimed inventions are patentably distinct or independent.

- 4) On September 30, 2011, the present petition to review the restriction requirement of September 16, 2011. In the petition, petitioner alleges that the restriction was improper because it was issued in the final Office action of September 16, 2011.

Discussion and Analysis

A review of the examiner's Office actions does not show any impropriety in the Office actions. However, it is noted that, in the Office action of March 28, 2011, the examiner should have included the basis of the restriction requirement. It is also noted that the applicant did not ask for a supplemental Office action shortly after receipt of the non-final Office action of March 28, 2011 in accordance with the MPEP § 710.06. At the end of the three-month period to respond to the non-final Office action of March 28, 2011, the applicant on June 28, 2011 filed a Rule 111 amendment and requested the examiner to provide any basis of the restriction requirement. Now, the petitioner argues that the restriction was made in the final Office action, which was improper in accordance with 37 CFR § 1.142 (a)¹. This line of argument is not persuasive because nowhere in the rules or practices expressly prohibits an examiner from issuing a restriction requirement in a final Office action. To the contrary, this happens quite frequently. For example, if an applicant files a Rule 111 amendment with additional claims directed to another patentably distinct or independent invention, an examiner would issue a constructive restriction requirement and made the action on the merits final.

A review of the record also reveals that on March 28, 2011 a restriction requirement was made without specifying any basis under the MPEP 800. At the request of the applicant, in the final Office action of September 16, 2011, the examiner provided reasons as to why the restriction was required. The examiner identified three Groups of patentably distinct or independent inventions. However, in response to the restriction requirement of the final Office action mailed September 16, 2011, the current petition was filed to traverse the restriction requirement. It must be noted that the restriction requirement of September 16, 2011 was not made final. The examiner does not have an opportunity to reconsider the restriction requirement of September 16, 2011. The current petition could not have included any rebuttal arguments to the examiner's reasons on maintaining of the restriction. It is noted that, as of this date, the examiner did not repeat the basis of the restriction requirement of September 16, 2011. Therefore, the petition is hereby dismissed as premature in accordance with 37 CFR 1.181(c)² and 37 CFR 1.144³.

¹ 37 CFR § 1.142 Requirement for restriction. If two or more independent and distinct inventions are claimed in a single application, the examiner in an Office action will require the applicant in the reply to that action to elect an invention to which the claims will be restricted, this official action being called a requirement for restriction (also known as a requirement for division). Such requirement will normally be made before any action on the merits; however, it may be made at any time before final action.

² 37 CFR 1.181(c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

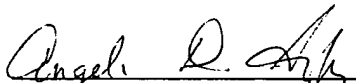
³ § 1.144 Petition from requirement for restriction. After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

Conclusion

For the reasons outlined above, the petitioner's request to withdraw the restriction requirement of September 16, 2011 is dismissed as premature.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3773 awaiting a response to the outstanding Office action of September 16, 2011 from the applicant. The examiner is requested and urged to fully consider and answer all applicant's arguments regarding the applicant's traversal of the restriction requirement in the Rule 116 amendment. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is DISMISSED AS PREMATURE.



Angela D. Sykes, Director
Technology Center 3700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,344	04/02/2008	Zachary R. Nicoson	65937-0307	8305
82078 7590 04/21/2011 Hologic Cytoc-Suros Division c/o Rader, Fishman & Grauer, PLLC 39533 Woodward Avenue Suite 140 Bloomfield, MI 48304				
			EXAMINER DOUGHERTY, SEAN PATRICK	
			ART UNIT 3736	PAPER NUMBER
			MAIL DATE 04/21/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Hologic Cytoc-Suros Division
c/o Rader, Fishman & Grauer, PLLC
39533 Woodward Avenue
Suite 140
Bloomfield MI 48304

In re Application of:
NICOSON, ZACHARY R. et al
Serial No.: 12/061,344
Filed: April 2, 2008
Docket: 65937-0307

DECISION ON PETITION

Title: **SYSTEM AND METHOD FOR
MINIMALLY INVASIVE DISEASE
THERAPY**

This is a decision on the Petition for Suspension of Action received on March 22, 2011, seeking to suspend action on the above-identified application for a period of six months. This petition is being considered pursuant to 37 CFR § 1.103(a)¹.

The petition is dismissed.

In the petition, petitioner alleged that the petition to suspend further action on the current application is for good and sufficient cause, namely, to await an outcome of the petition to accept unintentional delayed priority claim. Petitioner requests suspension of action on the present application for two (2) months.

The reason for a two-month suspension of action is not convincing and could not justify a two-month delay in prosecution. It is noted the application is currently under final rejection of September 23, 2010. Petitioner did not provide any reasons as to why a two-month suspension of Office action is necessary. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims which reflect the scope to which they are entitled. Therefore, any suspension of Office action

¹ 37 CFR 1.103. Suspension of action by the Office. (a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include: (1) A showing of good and sufficient cause for suspension of action; and (2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office

Application Serial No. 12/061,344
Decision on Petition ~~12/1856,632~~

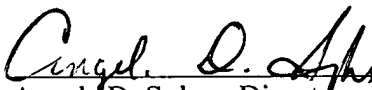
will not be granted without a good and sufficient cause. Accordingly, the request for suspension of action is denied.

The application remains in abandoned status and is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3771 for further processing. As stated in 37CFR § 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR § 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181" and directed to the Office of the Deputy Commissioner for Patent Examination Policy at Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. See MPEP 1002.02(b).

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.



Angela D. Sykes, Director
Technology Center 3700



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Hologic/Vista IP - Suros Division
c/o Vista IP Law Group LLP
12930 Saratoga Ave., Suite D-2
Saratoga, CA 95070

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of Nicoson et al.	:	
Application No. 12/061,344	:	Decision on Petition
Filing Date: April 2, 2008	:	
Attorney Docket No. 65937-0307	:	

This is a decision on the petition under 37 C.F.R. § 1.137(a) filed September 28, 2011, which requests revival of the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(a)." This is not final agency action within the meaning of 5 U.S.C. § 704.

Facts

Application A in this decision refers to Application No. 10//649,068.

Application B in this decision refers to Application No. 11/237,110.

Application C in this decision refers to Application No. 11/550,209.

Application D in this decision refers to the instant application.

Application A was filed August 27, 2003.

Application B was filed September 28, 2005. Neither the specification nor the Application Data Sheet ("ADS") filed September 28, 2005, include a priority claim.

Application C was filed October 17, 2006. The specification and ADS filed October 17, 2006, indicate Application C is a continuation-in-part of Application B and do not include any reference to Application A.

Application D was filed April 2, 2008. The specification and ADS filed April 2, 2008, indicate Application D is a continuation-in-part of Application C and state Application C is a continuation-in-part of Application B. The specification and ADS do not include any reference to Application A.

The Office mailed a final Office action in Application D on September 23, 2010.

Petitioner filed a petition under 37 C.F.R. § 1.78 in Application B on December 27, 2010, more than five years after filing the application. The petition sought to add a priority claim based on Application A. The petition was improper because it did not include an amendment or ADS adding the priority claim.

An amendment was filed in Application D on January 24, 2011. The amendment sought to amend the priority information in the specification in order to indicate Application B is a continuation-in-part of Application A.

The Office issued a decision dismissing the December 27, 2010 petition on January 25, 2011.

A second petition under 37 C.F.R. § 1.78 was filed in Application B on February 1, 2011. The second petition was improper because the amendment filed with the petition included language incorporating Application A by reference.

An advisory action was mailed in Application D on February 4, 2011.

A decision dismissing the second petition under 37 C.F.R. § 1.78 was issued March 8, 2011.

A third petition under 37 C.F.R. § 1.78 was filed in Application B on March 16, 2011.

An amendment and a request for a three-month extension of time were filed in Application D on March 22, 2011.

An Advisory Action was issued in Application D on April 4, 2011. In view of the Advisory Action, Application D became abandoned on March 24, 2011.

A Notice of Abandonment was mailed in Application D on April 8, 2011.

A decision dismissing the third petition under 37 C.F.R. § 1.78 was mailed April 12, 2011.

A fourth petition under 37 C.F.R. § 1.78 was filed in Application B on June 10, 2011.

A decision granting the fourth petition under 37 C.F.R. § 1.78 was mailed July 28, 2011.

The instant petition was filed in Application D on September 28, 2011. The petition requests revival of the application pursuant to 37 C.F.R. § 1.137(a).

Discussion

A grantable petition under 37 C.F.R. § 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks items (1) and (3).

A Proper Reply to the September 23, 2011 Final Office Action has not Been Filed.

The petition appears to be based on an assumption the amendment in Application D, which seeks to add a priority claim based on Application A, would have been a proper reply to the final Office action if relief under 37 C.F.R. § 1.78 had been granted in Application B on an earlier date. However, such an assumption is incorrect.

Application C is not entitled to include a priority claim based on Application A because a petition under 37 C.F.R. § 1.78 has not been filed and granted in Application C. A benefit claim to a chain of prior applications will only be effective if each prior application actually includes a *proper* benefit claim. *See also Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. 119(e), 120, 121, and 365(c)*, 1268 OG 89 (March 18, 2003). Since Application C does not include a proper benefit claim based on Application A, Application D cannot claim the benefit of Application A via a chain of prior applications that includes Application C.

The record fails to indicate a petition under 37 C.F.R. § 1.78 has been filed and granted in Application D. Therefore, even if the original specification in Application C had indicated Application C is a CIP of Application B *and* had indicated Application B is a CIP of Application A, the January 24, 2011 amendment in Application D seeking to add a priority claim based on Application A would be improper.

Even if the January 24, 2011 amendment was not improper for the reasons set forth above, the amendment would be improper the amendment seeks to include language incorporating Application A by reference even though the original specification did not incorporate Application A by reference.

In view of the prior discussion, a proper reply to the final September 23, 2011 Office action has not been filed and the petition must be dismissed.

The Petition Fails to Demonstrate the Entire Delay in the Submission of a Proper Reply to the September 23, 2010 Final Office Action was Unavoidable.

“[T]he question of whether an applicant’s delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account.”¹ In order for a party to prove unavoidable delay, the Office requires the party demonstrate the party exercised the “care or diligence tha[t] is generally used and observed by prudent and careful men in relation to their most important business.”² A lack of knowledge of, or failure to understand, a PTO rule, the content of the MPEP, or an Official Gazette notice will not constitute unavoidable delay.³

The petition fails to provide any explanation for the more than five years of delay in the submission of a petition under 37 C.F.R. § 1.78 in Application B.

The petition fails to provide any explanation for Applicants taking more than two years to file an amendment to add a priority claim based on Application A in the instant case.

The petition fails to establish the failure to file a *grantable* petition under 37 C.F.R. § 1.78 in Application B within six months of the issuance of the September 23, 2010 final Office action mailed in Application D was not the result of a lack of knowledge of, or failure to understand a PTO rule and/or the MPEP.

The petition fails to establish the failure to file a petition under 37 C.F.R. § 1.78 in Application C within six months of the issuance of the September 23, 2010 final Office action mailed in Application D was not the result of a lack of knowledge of, or failure to understand a PTO rule and/or the MPEP.

The petition fails to establish the failure to file a petition under 37 C.F.R. § 1.78 in Application D within six months of the issuance of the September 23, 2010 final Office action mailed in Application D was not the result of a lack of knowledge of, or failure to understand a PTO rule and/or the MPEP.

Even if the petition established the events leading up to the abandonment of the application were unavoidable, the showing would be insufficient because a proper showing must demonstrate the

¹ *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

² *In re Mattulath*, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912). *See also Ray v. Lehman*, 55 F.3d 606, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citations omitted) (“[I]n determining whether a delay in paying a maintenance fee was unavoidable, one looks to whether the party responsible for payment of the maintenance fee exercised the due care of a reasonably prudent person.”)

³ *See Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing *Potter v. Dann*, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978) for the proposition that counsel’s nonawareness of PTO rules does not constitute “unavoidable” delay); *Vincent v. Mossinghoff*, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel’s actions, or their own, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

entire delay in the submission of a proper reply was unavoidable. In this case, a proper reply has yet to be filed in Application D. Therefore, the period of delay in filing a proper reply has not ended.

In view of the prior discussion, the record is insufficient to establish the entire delay in the submission of a proper reply to the September 23, 2010 Office action was unavoidable.

Fees

The petition indicates Applications do not believe any fee is due. However, a fee of \$620 must be submitted in order for the Office to consider the merits of a petition under 37 C.F.R. § 1.137(a). Therefore, the \$620 has been charged to Deposit Account No. 18-0013 per the general fee authorization in the petition.

Conclusion

A proper reply to the outstanding Office action has not been filed. In addition, the record fails to establish the entire delay in the submission of a proper reply from the due date for the reply until the submission of the reply is unavoidable. Therefore, the petition is dismissed.

If Applicants cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 C.F.R. § 1.137(b). A grantable under 37 C.F.R. § 1.137(b) must be accompanied by the required reply, the required petition fee (\$1,860 for a large entity), and a statement that the *entire* delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

A copy of a PDF "fillable" version of a form that may be used when filing a petition under 37 C.F.R. § 1.137(b) can be found at: <http://www.uspto.gov/web/forms/sb0064.pdf>.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.⁴
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

⁴ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney
Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLOGIE/VISTA IP – SUROS DIVISION
C/O VISTA IP LAW GROUP LLP
12930 SARATOGA AVE., SUITE D-2
SARATOGA CA 95070

MAILED

FEB 10 2012

OFFICE OF PETITIONS

In re Application of
Zachary R. Nicoson et al
Application No. 12/061,344
Filed: April 2, 2008
Attorney Docket No. 65937-0307

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DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed, January 20, 2012.

The request is **GRANTED**.

Applicant files the above request for refund and states that “Deposit Account 18-0013 was charged \$620.00 on 9/29/2011 for petition to revive unavoidably abandoned application (code 1452). On September 28, 2011, Rader, Fishman and Grauer did file a Petition to revive unavoidably abandoned application. On 12/06/2011, Deposit Account 18-0013 was again charged \$620.00 for the same petition to revive unavoidably abandoned application code (1452). The second charge of \$620.00 is an error by the Patent Office and it is respectfully requested that one of the charges be refunded back to Deposit Account 18-0013.”

A review of the Office finance records for the above-identified application show that the petition fee of \$620.00 was charged on September 9, 2011 and again on December 6, 2011. Therefore, as authorized, the \$620.00 petition fee charged on accounting date of December 6, 2011, is being credited to petitioner’s Deposit Account No. 18-0013.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**BAKER & MCKENZIE LLP
PENNZOIL PLACE, SOUTH TOWER
711 LOUISIANA, SUITE 3400
HOUSTON, TX 77002**

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application	:	
Lomax et al.	:	DECISION ON PETITION
Application No. 12/061,355	:	TO WITHDRAW
Filed: April 2, 2008	:	FROM RECORD
Attorney Docket No. 31215039.000002	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2010.

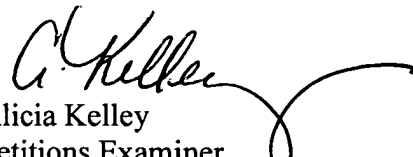
The request is **DISMISSED**.

A review of the file record indicates that Baker & McKenzie LLP was never appointed power of attorney in this patent application and therefore, was only designated as the correspondence address of record. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.


Alicia Kelley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

x

Paper No.:20110726

DATE : July 26, 2011

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 7804341

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: /Lincoln Donovan/

Art Unit 2816



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P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

JUL 29 2011

OFFICE OF PETITIONS

In re Application of	:	
HALFORD et al.	:	
Application No. 12/061,404	:	ON APPLICATION FOR
Filed: 04/02/2008	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 088245-2633	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)" filed July 14, 2011. Applicants submit that the correct patent term adjustment to be indicated on the patent is 760 days, not 540 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR

1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

¹ For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,446	04/02/2008	William H. Eby	1421-335	8508
32905 7590 02/23/2011 JONDLE & ASSOCIATES P.C. 858 HAPPY CANYON ROAD SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 02/23/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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FEB 23 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/061,446

Filed: April 2, 2008

Attorney Docket No.: 1421-335

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PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed February 18, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 11, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of
Ssu-Pin Ma, et al.
Application No. 12/061,491
Filed: April 2, 2008
Attorney Docket No. 63832-8018.US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jordan M. Becker on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Quantenna Communications, Inc.**
3450 W. Warren Avenue
Fremont, CA 94538



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/061,491	04/02/2008	Ssu-Pin Ma	63832-8018.US01

CONFIRMATION NO. 8580

POWER OF ATTORNEY NOTICE



Date Mailed: 12/03/2010

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP**
379 Lytton Avenue
Palo Alto, CA 94301

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of	:	
Ssu-Pin Ma, et al.	:	
Application No. 12/061,491	:	DECISION ON PETITION
Filed: April 2, 2008	:	TO WITHDRAW
Attorney Docket No. 25DX-159234	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 21, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sheppard, Mullin, Richter & Hampton LLP has been revoked by the assignee of the patent application on October 20, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **IP CREATORS**
P.O. 2789
Cupertino, CA 95015

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12061591	
Filing Date	02-Apr-2008	
First Named Inventor	Tung LE	
Art Unit	3779	
Examiner Name	RYAN HENDERSON	
Attorney Docket Number	USGINZ06002	
Title	ENDOSCOPIC SYSTEM WITH TORQUE TRANSMITTING SHEATH	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		40518 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	USGI Medical, Inc.	
Address	1140 Calle Cordillera	
City	San Clemente	
State	CA	
Postal Code	92673	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Johney U. Han/
Name	Johney U. Han
Registration Number	45565



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : October 7, 2011

In re Application of :

Tung LE

Application No : 12061591

Filed : 02-Apr-2008

Attorney Docket No : USGINZ06002

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 7, 2011

The request is **APPROVED**.

The request was signed by Johny U. Han (registration no. 45565) on behalf of all attorneys/agents associated with Customer Number 40518 . All attorneys/agents associated with Customer Number 40518 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name USGI Medical, Inc.
Name2
Address 1 1140 Calle Cordillera
Address 2
City San Clemente
State CA
Postal Code 92673
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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**LAW OFFICES OF ERIC KARICH
2807 ST. MARK DR.
MANSFIELD TX 76063**

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of :
George E. Martin :
Application No. 12/061,596 : **DECISION ON PETITION**
Filed: April 2, 2008 :
Attorney Docket No. 0723-01UA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 14, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 15, 2010. A Notice of Abandonment was mailed November 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3781 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Stephen C. Kaufman
IBM CORPORATION
Intellectual Property Law Dept.
P.O. Box 218
Yorktown Heights NY 10598

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of :
AZATCHI et al. :
Application No. 12/061,662 : DECISION ON PETITION
Filed: April 3, 2008 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. IL920050014US2 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 26, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

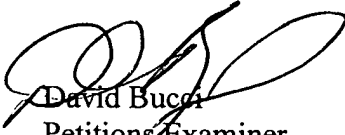
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the

benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2128 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.


David Bucca
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/061,662	04/03/2008	2128	1030	IL920050014US2	14	2

CONFIRMATION NO. 8914

CORRECTED FILING RECEIPT



Stephen C. Kaufman
IBM CORPORATION
Intellectual Property Law Dept.
P.O. Box 218
Yorktown Heights, NY 10598

Date Mailed: 06/30/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Yehezkel Azatchi, Kiryat Motzkin, ISRAEL;
Eitan Marcus, Haifa, ISRAEL;
Shmuel Ur, Misgav, ISRAEL;
Avi Ziv, Haifa, ISRAEL;
Keren Zohar, Haifa, ISRAEL;

Power of Attorney: The patent practitioners associated with Customer Number 00877

Domestic Priority data as claimed by applicant

This application is a CON of 11/101,333 04/07/2005 PAT 7,389,215

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 04/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/061,662**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

EFFICIENT PRESENTATION OF FUNCTIONAL COVERAGE RESULTS

Preliminary Class

703

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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MAILED

AUG 18 2011

In re Application of	:	OFFICE OF PETITIONS
Fujiwara	:	
Application No. 12/061,735	:	DECISION
Filed/Deposited: 3 April, 2008	:	
Attorney Docket No. 520.48700X00	:	

This is a decision on the papers filed on 10 August, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 26 October, 2010, with reply due absent extension of time on or before 26 November, 2010.

The application went abandoned by operation of law after midnight 26 November, 2010.

The Office mailed the Notice of Abandonment on 26 May, 2011.

On 10 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—but failed to make the statements and failed to provide a copy of the due date calendar for the instant matter (26 November, 2010, or if a holiday the first business day thereafter) consistent with the guidance in the Commentary at MPEP §711.03(c)(I). Further, the petition in reply to the Notice of Abandonment was not timely filed. Thus, Petitioner failed to timely and properly make the showing required as set forth in the guidance in the Commentary at MPEP §711.03(c)(I).

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to nonreceipt:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log;

calendar; reminder system; or the individual docket record for the application in question.¹

Petitioner's reply to the Notice of Abandonment is late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c) (in pertinent part):

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

3. Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.

¹ See: MPEP §711.03(c) (I)(A).

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).

A Petitioner unable to comply with and/or otherwise satisfy these requirements may revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3 4}

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast,

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner pursuant to 37 C.F.R. §1.137(b) requesting revival of an application

unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

⁵

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/061,735

abandoned due to unintentional delay. (See:

http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ARLINGTON VA 22209-3873

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Fujiwara	:	
Application No. 12/061,735	:	DECISION
Filed/Deposited: 3 April, 2008	:	
Attorney Docket No. 520.48700X00	:	

This is a decision on the papers filed on 18 October, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

**As to the Request to Withdraw
the Holding of Abandonment**

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 26 October, 2010, with reply due absent extension of time on or before 26 November, 2010.

The application went abandoned by operation of law after midnight 26 November, 2010.

The Office mailed the Notice of Abandonment on 26 May, 2011.

On 10 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—but failed to make the statements and failed to provide a copy of the due date calendar for the instant matter (26 November, 2010, or if a holiday the first business day thereafter) consistent with the guidance in the Commentary at MPEP §711.03(c)(I). Further, the petition in reply to the Notice of Abandonment was not timely filed. Because Petitioner failed to timely and properly make the showing required as set forth in the guidance in the Commentary at MPEP §711.03(c)(I), the petition was dismissed on 18 August, 2011.

On 18 October, 2011, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.181—despite the clear statement in the decision of 18 August, 2011, that Petitioner not only failed to make the required showing, but failed to timely seek relief under the Rule (as discussed above and set forth below). Even on renewed petition, Petitioner failed to track and satisfy the guidance set forth in the Commentary at MPEP §711.03(c)(I).

Petitioner now is cautioned that his failure to promptly and properly seek revival of the application pursuant to the provisions 37 C.F.R. §1.137(b) may be considered *indicia* of delay that is other than unintentional.

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to nonreceipt:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not

received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.¹

Petitioner's reply to the Notice of Abandonment is late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c) (in pertinent part):

C.Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

3.Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37

¹ See: MPEP §711.03(c) (I)(A).

C.F.R. §1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).

A Petitioner unable to comply with and/or otherwise satisfy these requirements may revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is dismissed.

petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under *Pratt*, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

⁵ *In re Mattullath*, 38 App. D.C. 497, 514-15 (1912)(quoting *Ex parte Pratt*, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also *Winkler v. Ladd*, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), *aff’d*, 143 USPQ 172 (D.C. Cir. 1963); *Ex parte Henrich*, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” *Haines v. Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/061,735

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner pursuant to 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay. (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Application No. 12/061,735

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANTONELLI, TERRY,
STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED

APR 02 2012

OFFICE OF PETITIONS

In re Application of	:	
Fujiwara	:	
Application No. 12/061,735	:	DECISION
Filed/Deposited: 3 April, 2008	:	
Attorney Docket No. 520.48700X00	:	

This is a decision on the petition filed on 10 January, 2012, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 26 October, 2010, with reply due absent extension of time on or before 26 November, 2010.

The application went abandoned by operation of law after midnight 26 November, 2010.

The Office mailed the Notice of Abandonment on 26 May, 2011.

On 10 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—but failed to make the statements and failed to provide a copy of the due date calendar for the instant matter (26 November, 2010, or if a holiday the first business day thereafter) consistent with the guidance in the Commentary at MPEP §711.03(c)(I). Further, the petition in reply to the Notice of Abandonment was not timely filed. Because Petitioner failed to timely and properly make the showing required as set forth in the guidance in the Commentary at MPEP §711.03(c)(I), the petition was dismissed on 18 August, 2011.

On 18 October, 2011, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.181—despite the clear statement in the decision of 18 August, 2011, that Petitioner not only failed to make the required showing, but failed to timely seek relief under the Rule (as discussed above and set forth below). The petition was dismissed on 19 December, 2011, for Petitioner's failure to track and satisfy the guidance set forth in the Commentary at MPEP §711.03(c)(I), and do so properly and timely.

On 10 January, 2012, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of an amendment previously submitted on 10 August, 2011, and a statement of unintentional delay.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{2,3}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁴

² See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

³ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

⁴ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/061,735

As to Allegations of
Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

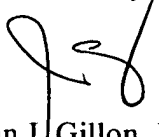
CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 2818 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of :
Harald Romer :
Application No. 12/061,927 : **DECISION ON PETITION**
Filed: April 3, 2008 :
Attorney Docket No. H01.2-13895-US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, January 21, 2010, which set a shortened statutory period for reply of three (3) months. A two-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on June 22, 2010. A Notice of Abandonment was mailed August 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00 and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 3651 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions



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WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE AZ 85251

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Svensson et al.	:	
Application No. 12/061,992	:	ON PETITION
Filed: April 3, 2008	:	
Attorney Docket No. 6094P3276	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3679 for further examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GrafTech International Holdings, Inc.
12900 Snow Road
Parma, OH 44130

MAILED

AUG 19 2010

In re Application of	:	OFFICE OF PETITIONS
Artman, et al.	:	
Application No. 12/062,005	:	DECISION ON PETITION
Filed: April 3, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. P2087-1	:	37 CFR 1.102
	:	

This is a decision on the petition under 37 CFR 1.102 filed July 28, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

- By Mail:**
- Mail Stop PETITION**
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at 571-272-3222.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3742 for action in its regular turn.

A handwritten signature in black ink, appearing to read "Chris Bottorff".

Chris Bottorff
Supervisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,101	04/03/2008	Robert P. Morris	I513/US	9655
49277	7590	09/07/2010		
SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			EXAMINER BARRON JR, GILBERTO	
			ART UNIT 2432	PAPER NUMBER

DATE MAILED: 09/07/2010

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Scenera Research, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of:

Morris

Appl. No.: 12/062101

Filed: April 3, 2008

For: Methods and Systems for Routing a Data Packet Based on
Geospatial Information

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on July 16, 2010.

The petition is **GRANTED**.

Pursuant to applicant's request filed on July 13, 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months from July 16, 2010. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Tod Swann whose telephone number is (571) 272-3612.

Tod Swann, SPRE/QAS
Technology Center 2400



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,135	04/03/2008	William H. Eby	1421-336	9730
32905 7590 02/23/2011 JONDLE & ASSOCIATES P.C. 858 HAPPY CANYON ROAD SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 02/23/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 23 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/062,135

Filed: April 3, 2008

Attorney Docket No.: 1421-336

:
:
: PETITION DECISION
:
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed February 18, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 30, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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SEP 16 2010

OFFICE OF PETITIONS

HARNESS DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

In re Application of
James L. Webber et al.
Application No. 12/062,153
Filed: April 3, 2008
Attorney Docket No. 8952-000130/USCPA

:
:
:
:
:
:
ON PETITION

This is a decision on the petition filed August 5, 2010 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed March 23, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 24, 2010.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication Fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions



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CAESAR RIVISE BERNSTEIN
COHEN & POKOTILOW, LTD.
11TH FLOOR SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA, PA 19103-2212

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Jackson Mugisa	:	
Application No. 12/062,166	:	DECISION ON PETITION
Filed: April 3, 2008	:	TO WITHDRAW
Attorney Docket No. Z1017/20002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 2, 2011.


The request is **APPROVED**.

The request was signed by Gary A. Greene on behalf of the practitioners of record associated with Customer Number 03000.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Jackson Mugisa at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jackson Mugisa
1204 Baltimore Pike, Suite 307
Chadds Ford, PA 19317



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/062,166	04/03/2008	Jackson Mugisa	Z1017/20002

CONFIRMATION NO. 9796

POWER OF ATTORNEY NOTICE



3000
CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA, PA 19103-2212

Date Mailed: 07/05/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/02/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/062,166	04/03/2008	Jackson Mugisa	Z1017/20002

Jackson Mugisa
1204 Baltimore Pike, Suite 307
Chadd Ford, PA 19317

CONFIRMATION NO. 9796
POA ACCEPTANCE LETTER



Date Mailed: 07/05/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/02/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED

JUL 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Lasensky, et al.	:	
Application No. 12/062,213	:	DECISION ON PETITION
Filed: 3 April, 2008	:	
Attorney Docket No. 67175981.001117	:	

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 4 March, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for benefit of priority to the prior-filed application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

The petition is not accompanied by a proper amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. (The amendment contains an improper incorporation by reference.)

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Application No. 12/062,213

The instant application was filed on 3 April, 2008. Office records reflect that the new claim was presented in an amendment on 4 March, 2011. However, it appears that the amendment to the specification submitted contains an improper incorporation by reference as to Application No. 10/659,936—the attempt now to incorporate by reference what was not present on deposit is improper.

(It is noted that it appears Petitioner did not submit an application data sheet (ADS), and should do so on any renewed petition.)

As noted above, the petition does not comply with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference. The surcharge and statement were submitted.

Thus, the petition lacks item (1), above.

Because the record does not support Petitioner's attempt to identify the priority claimed, the amendment fails to comply with the provisions of 37 C.F.R. §1.78(a)(2)(i) and is therefore unacceptable.

Accordingly, before the petition under 37 C.F.R. §1.78 can be granted, a renewed petition under 37 C.F.R. §1.78 and either an Application Data Sheet or a substitute amendment (complying with 37 C.F.R. §1.121 and 37 C.F.R. §1.76(b)(5)) correcting the priority claims made are required.

Questions concerning this matter may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center AU 2457 for further processing in due course.


Anthony Knight
Director
Office of Petitions



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525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Lasensky, et al.	:	
Application No. 12/062,213	:	DECISION ON PETITION
Filed: 3 April, 2008	:	
Attorney Docket No. 67175981.001117	:	

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 8 August, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for benefit of priority to the prior-filed application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

The petition is not accompanied by a proper amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. (The amendment contains an improper incorporation by reference.)

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Application No. 12/062,213

The instant application was filed on 3 April, 2008. Office records reflect that the new claim was presented on 8 August, 2011, however, Petitioner sought to combine the petition and the amendment, which is not proper, and so no amendment was properly presented for consideration by the Examiner under the Rule. (It appears Petitioner did submit an application data sheet (ADS).)

"Furthermore, it appears that applicant would like to retain the incorporation by reference language at the end of the priority claim; however, this language must be removed with respect to U.S. Patent Application No. 10/659,936 since the claim for priority to 10/659,936 was not present on filing. If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b)."

As noted above, the petition does not comply with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference. The surcharge and statement were submitted.


Thus, the petition lacks item (1), above.

Because the record does not support Petitioner's attempt to identify the priority claimed, the amendment fails to comply with the provisions of 37 C.F.R. §1.78(a)(2)(i) and is therefore unacceptable.

Accordingly, before the petition under 37 C.F.R. §1.78 can be granted, a renewed petition under 37 C.F.R. §1.78 and either an Application Data Sheet or a substitute amendment (complying with 37 C.F.R. §1.121 and 37 C.F.R. §1.76(b)(5)) correcting the priority claims made are required.

Questions concerning this matter may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center AU 2457 for further processing in due course.


Anthony Knight
Director
Office of Petitions



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OFFICE OF PETITIONS

In re Application of :
Lasensky, et al. :
Application No. 12/062,213 : **DECISION ON PETITION**
Filed: 3 April, 2008 :
Attorney Docket No. 116542-1117CP :

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 26 September, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for benefit of priority to the prior-filed application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The record reflects that:

- the instant application was filed on 3 April, 2008, with apparently unintentionally reversed digits (incorrectly set forth in the specification and the Application Data Sheet (ADS) as Application No. 10/659,963, rather than correctly as Application No. 10/659,936 (the '936 application) as to the priority claim;

Application No. 12/062,213

- on 14 November, 2008, Petitioner submitted (with a petition pursuant to the Rule) a corrected ADS, properly setting forth the '936 application on 14 November, 2008;
- thereafter the Office included the corrected priority claim to the '936 application, such that the 23 March, 2009, decision on the 14 November, 2008, petition dismissed the petition as moot;
- subsequent to the 8 September, 2010, acceptance of revocation/power of attorney, Counsel/Petitioner submitted on 4 March, 2011, a second petition (with amendment), which was dismissed on 6 July, 2011, for an improper incorporation by reference of the '936 application;
- the Office mailed the Notice of Allowance on 3 August, 2011;
- Petitioner's 8 August, 2011, petition under the Rule was dismissed on 24 August, 2011, for Petitioner's attempt, inter alia, to combine the petition and the amendment, thereby failing to satisfy the requirement under the Rule for a proper amendment;
- on 26 September, 2011, Petitioner again filed a petition with amendment under the Rule;
- on 3 November, 2011, Petitioner paid the Issue Fee.

While it appears that the priority claim to the '936 application is contained in Office records, it does not appear that a corrected filing receipt was mailed in this application. Therefore, the instant petition is necessary to clarify the record.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 C.F.R. 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 37 C.F.R. 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application(s), accompanies this decision on petition.

Application No. 12/062,213

This application is being released to the Office of Data Management (ODM) for further processing as necessary.

Questions concerning this decision on petition may be directed to John J. Gillon, Jr. attorney, at (571) 272-3214.

All other inquiries concerning either the status of the application or examination procedures should be directed to the ODM.

A handwritten signature in black ink, appearing to read "Chris Bottorff", is written over the printed name.

Christopher Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/062,213	04/03/2008	2457	1250	116542-1117CP	38	3

CONFIRMATION NO. 9885

CORRECTED FILING RECEIPT



0C000000052478642

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

Date Mailed: 02/09/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Peter Joel Lasensky, San Diego, CA;
Mark Everett Fehrenbach, San Diego, CA;
Richard Edward Rohmann, San Diego, CA;

Assignment For Published Patent Application

PACIFIC DATAVISION, INC., San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 27189

Domestic Priority data as claimed by applicant

This application is a CIP of 10/659,936 09/10/2003 PAT 7653691
which is a CIP of 10/174,655 06/19/2002 PAT 7054863
which is a CIP of 09/859,245 05/16/2001 ABN
which is a CIP of 09/713,487 11/15/2000 ABN

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 04/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/062,213**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SYSTEMS AND METHODS FOR PUSH-TO-EMAIL COMMUNICATION WITH LOCATION INFORMATION

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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TELEDYNE SCIENTIFIC & IMAGING, LLC
GLENN H. LENZEN
HUSCH BLACKWELL LLP
1700 LINCOLN STREET, SUITE 4700
DENVER CO 80203

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Patent No. 7,850,740 :
Issue Date: 14 December, 2010 :
Application No. 12/062,227 : DECISION
Filed: 4 April, 2008 :
Attorney Docket No. 05RSC077/125488 :

This is a decision on the petition filed on 26 January, 2011, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

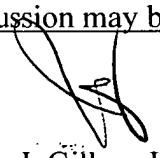
Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the

Patent No. 7,850,740
Application No. 12/062,227

underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

The instant application is released to IFW Files Repository in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Norihisa Haneda, et al.	:	
Application No.: 12/062,268	:	ON PETITION
Filed: April 3, 2008	:	
Attorney Docket No.: 0879-1026PUS1	:	

This is a decision on the petition, filed September 8, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 9, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2625 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Maxey Law Offices, PLLC
15500 Roosevelt Blvd.
SUITE 305
Clearwater, FL 33760

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of
Lawrence Orubor, et. al.
Application No. 12/062,346
Filed: April 3, 2008
Attorney Docket No. 11.442

**DECISION ON PETITION
TO WITHDRAW FROM
RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed May 13, 2011.

The request is **MOOT**.

A review of the file record indicates that power of attorney to Customer Number 21874 was revoked by the assignee of the above application on May 16, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

There is an Office action mailed June 7, 2011, that requires a reply.

All future communications from the Office will continue to be directed to the above-listed address until otherwise instructed by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

NOV 19 2010

OFFICE OF PETITIONS

CONNOLLY BOVE LODGE & HUTZ LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of :
Mo, et al. :
Application No. 12/062,404 : ON PETITION
Filed: April 3, 2008 :
Attorney Docket No. 15747-00009-US :

This is a decision on the petition to revive under
37 CFR 1.137(b), filed September 10, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed November 23, 2009. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on February 24, 2010. The Office mailed a Notice of Abandonment on August 24, 2010.

With the instant petition, applicant made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1110.00 extension of time fee submitted with the petition on September 10, 2010 was subsequent to the maximum period obtainable for reply (May 23, 2010), this fee has been refunded to petitioner's Deposit Account No. 03-2775.

The application is being forwarded to Group Art Unit 2458 for consideration of the Amendment, filed September 10, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', with a stylized flourish at the end.

Cliff Congo
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

MAILED

AUG 18 2010

OFFICE OF PETITIONS

In re Application of	:
Philippe J. Goix et al	:
Application No. 12/062,412	: DECISION ON PETITIONS
Filed: April 3, 2008	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 31469-712.202	: AND UNDER 37 CFR 1.182

This is a decision on the petitions filed July 9, 2010, which is being treated as petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment. This is also a decision on the petition filed August 11, 2010, which is being treated as a petition under 37 CFR 1.182 to expedite the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6).

The petitions under 37 CFR 1.78(a)(3) and 1.78(a)(6) are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further,

the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

The petition under 37 CFR 1.182 is **GRANTED**.

The requirement of 37 CFR 1.182 to expedite the petitions to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications have been satisfied. Accordingly, the request to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications have been processed promptly.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1641 for consideration by the examiner of the claim under 35 U.S.C. § 120 and 119(e) of the prior-filed nonprovisional and provisional applications.



Christopher Bottorff
Petition Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/062,412	04/03/2008	1641	1465	31469-712.202	23	2

CONFIRMATION NO. 1247

CORRECTED FILING RECEIPT



20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Date Mailed: 08/17/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Philippe J. Goix, Oakland, CA;
Robert Puskas, Manchester, MO;
John Todd, Lafayette, CA;
Richard A. Livingston, Webster Groves, MO;
Douglas Held, Ballwin, MO;
Alan H.B. Wu, Palo Alto, CA;

Power of Attorney: The patent practitioners associated with Customer Number 20306

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/914,995 04/30/2007
and claims benefit of 60/925,402 04/19/2007
and is a CIP of 11/784,213 04/04/2007
which claims benefit of 60/789,304 04/04/2006
and claims benefit of 60/793,664 04/19/2006
and claims benefit of 60/808,622 05/26/2006
and claims benefit of 60/861,498 11/28/2006
and claims benefit of 60/872,986 12/04/2006

Foreign Applications

If Required, Foreign Filing License Granted: 04/28/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/062,412**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

HIGHLY SENSITIVE SYSTEM AND METHODS FOR ANALYSIS OF TROPONIN

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Virtual Law Partners LLP
555 Bryant Street
Suite 820
Palo Alto CA 94301

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Application of :
Guy W. Bemis, et al. :
Application No. 12/062,495 : **DECISION ON PETITION**
Filed: April 3, 2008 :
Attorney Docket No. VPI/96-16 US CP2 CN2 :
DV1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 14, 2010. Accordingly, the date of abandonment of this application is March 15, 2011. The Notice of Abandonment was mailed March 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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K&L Gates LLP
STATE STREET FINANCIAL CENTER
One Lincoln Street
BOSTON MA 02111-2950

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of :
Haberman : DECISION ON PETITION
Application No. 12/062,498 :
Filed: April 3, 2008 :
Atty. Dkt. No.: 0813808.14902 :

This decision is in response to the petition under 37 CFR 1.137(b), filed January 19, 2012.

The petition is **GRANTED**.

This application became abandoned September 29, 2011 for failure to timely submit a proper reply in response to the non-final Office action mailed June 28, 2011. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed January 26, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The above-identified application has been carefully reviewed and found in compliance with the requirements set forth above.

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 2493 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12062519	
Filing Date	04-Apr-2008	
First Named Inventor	JOHN FOSTER	
Art Unit	3772	
Examiner Name	CAMTU NGUYEN	
Attorney Docket Number	JF-2008	
Title	SOFT HAND RESTRAINT DEVICE FOR TRANSPORTING PRISONERS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY. <input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY. 		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Issue Fee Transmittal is attached 		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Raymond Nathaniel ERVIN, Reg. No. 51180/
Name	RAYMOND NATHANIEL ERVIN
Registration Number	51180



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 6,2011

In re Application of :

JOHN FOSTER

Application No : 12062519

Filed : 04-Apr-2008

Attorney Docket No : JF-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 6,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Patent Publication.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DARREN GEORGE DELOREY
874 ANDERSON AVE.
MILTON, ONTARIO L9T 4X8 CA CANADA

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Darren George Delorey	:	
Application No. 12/062,673	:	DECISION ON PETITION
Filed: April 4, 2008	:	
Attorney Docket No. None	:	

This is a decision on the petition, filed January 19, 2011, which is being treated as a petition under 37 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

On April 8, 2010, the Office mailed a Non-final Office action, which set a shortened statutory period for reply of three (3) months. On January 18, 2011, the Office mailed a Notice of Abandonment.

Petitioner asserts that a response to the Office action mailed on April 8, 2010, was filed on August 3, 2010, by the use of Certificate of Mailing which included the following papers: petition for extension of time including the fee of \$65, and an Amendment.

A review of the file record indicates that a response was received by the Office on August 3, 2010. However, the response cannot be considered as being timely filed as the one (1) month extension of time fee submitted by check was not sufficient. On September 13, 2010 the Office mailed a Notice Requiring Extension of Time Fee, which states that the appropriate extension of time fee was missing because the check submitted with the Amendment was not payable in US funds. Subsequently, the Office returned the check submitted with the response as unprocessed. The Notice mailed September 13, 2010 also states that the reply received by the Office is after the expiration of the period for reply set in the Office action and that the time period for reply continues to run from the mailing date of the Office action.

Petitioner is reminded that the date on which the petition for extension of time under 37 CFR 1.36(a) and the appropriate extension fee have been filed is the date for purposes determining the period of the extension including the corresponding amount of the fee due. The expiration of the time period is determined by the amount of the fee paid.

Accordingly, the abandonment is proper. Since the extension of time fee was insufficient, the response was not timely filed. The petition requesting withdrawal of the holding of abandonment cannot be granted.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), \$810.00 for a small entity;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under CFR 1.137(b); Form PTO/SB/64 and Privacy Act Statement.



UNITED STATES PATENT AND TRADEMARK OFFICE

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DARREN GEORGE DELOREY
874 ANDERSON AVE.
MILTON, ONTARIO L9T 4X8 CA CANADA

MAILED

JUL 05 2011

In re Application of
Darren George Delorey
Application No. 12/062,673
Filed: April 4, 2008
Attorney Docket No. None

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the renewed petition, filed June 8, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. Note 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed April 8, 2010 which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed January 18, 2011.

On January 19, 2011, petitioner filed a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment. The petition was dismissed on May 9, 2011, in response; petitioner filed the renewed petition herein requesting the Office to reconsider the dismissal of the petition to withdraw the abandonment.

Unfortunately, the Office cannot withdraw the holding of abandonment as a result of a response to the Office action not being timely or properly submitted in accordance with 37 CFR 1.36(a).

Petitioner may request a refund under 37 CFR 1.26(a) which states: The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct

the Office that refunds are to be credited to a deposit account, the Director may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged. All requests for refunds should be sent to: Mail Stop 16, Director of the USPTO, P.O. Box 1450, Alexandria , VA 22313-1450

As the abandonment remains proper, the renewed petition requesting withdrawal of the holding of abandonment cannot be granted.

Telephone inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DARREN GEORGE DELOREY
874 ANDERSON AVE.
MILTON, ONTARIO L9T 4X8 CA CANADA

MAILED

SEP 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Darren George Delorey	:	
Application No. 12/062,673	:	ON PETITION
Filed: April 4, 2008	:	
Attorney Docket No.: None	:	

This is a decision in response to the renewed petition, filed September 1, 2011, under the provisions of 37 CFR 1.181 to withdraw the holding of abandonment.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 8, 2010, which set a shortened statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 9, 2010. A Notice of Abandonment was mailed on January 18, 2011. On January 19, 2011, a petition under the provisions of 37 CFR 1.182 was filed; however, the petition was dismissed in a decision mailed May 9, 2011. On June 8, 2011, the petition was renewed; but, the petition was dismissed by a decision mailed July 7, 2011. In response, on September 1, 2011, the present petition was filed.

Petitioner acknowledges that due to an oversight, the extension payment was insufficient, stating that "this was completely unintentional and very minor on my part." Petitioner requests that the abandonment be withdrawn since "I am not financially capable of payment the \$810 petition fee."

Unfortunately, petitioner request cannot be granted. 37 CFR 1.135 states: "[p]rosecution of an application to save it from abandonment pursuant to paragraph (a) of this section **must include such complete and proper reply as the condition of the application may require.** Emphasis added.

Moreover, 35 U.S.C 133 states: [u]pon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable. A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay within the meaning of the rule.

In the instant application petitioner failed to comply with 35 U.S.C. 133 and 37 CFR 1.135 in that petitioner has failed to include such complete and proper reply as the condition of the application may require. Without an acceptable reply, the application became abandoned by

operation of law. The abandonment may be overcome upon the filing of a grantable petition to revive under the provisions of 37 CFR 1.137(a) or 37 CFR 1.137(b).

In view of the above, the petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). However, petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An “unintentional” petition under 37 CFR 1.137(b) must be accompanied (1) the required reply,¹ unless previously filed; (2) the \$810 petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c).

Petitioner is reminded that the filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web²

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

² www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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DARREN GEORGE DELOREY
874 ANDERSON AVE.
MILTON, ONTARIO L9T 4X8 CA CANADA

MAILED

DEC 08 2011

OFFICE OF PETITIONS

In re Application of
Darren George Delorey
Application No. 12/062,673
Filed: April 4, 2008
Attorney Docket No.: None

ON PETITION

This is a decision in response to the renewed petition, filed November 14, 2011, under the provisions of 37 CFR 1.181 (no fee) to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed, April 8, 2010, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on January 18, 2011. Petitions under the provisions of 37 CFR 1.181 were filed on January 19, 2011, June 8, 2011 and September 1, 2011; however the petitions were dismissed in decisions mailed May 9, 2011, July 5, 2011 and September 14, 2011, respectively. On November 14, 2011 the present petition was filed.

Petitioner argues that the abandonment should be withdrawn since "there was incorrect information posted on the USPTO PAIR website which led me to believe my original application for an extension of time was granted (09-22-2010 Request for Extension of Time - Granted). Petitioner explains that "Had I not read this false confirmation, I would have followed up with a phone call to the USPTO to verify the status of my application for an extension of time and then would have been informed by USPTO staff that a payment error was stopping my application from being granted..."

Applicant is reminded that without a timely reply, an application becomes abandoned by operation of law. In this case a response to the April 8, 2010 non-final Office action was filed on August 12, 2010, using a Certificate of Mailing dated August 3, 2010, without a negotiable form of payment for the required one-month extension of time. Petitioner was advised by a Notice mailed August 24, 2010 that an appropriate extension of time was required that the date on which a petition for extension of time and the extension fee are filed determines the period of extension and the corresponding amount of the fee due. However, on September 22, 2010 petitioner submitted a fee of \$65 for a one-month petition for extension of time, when a three (3)

The petition has been reconsidered as requested but the result is the same. The abandonment will not be withdrawn. This abandonment may only be overcome upon the filing of a grantable petition to revive under the provisions of 37 CFR 1.137(a) or 37 CFR 1.137(b).

Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application or contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

By mail:

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Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED

NOV 16 2010

In re Application of
Jang Hoo Kim
Application No. 12/062,690
Filed: April 4, 2008
Attorney Docket No. CU-6436 WWP

OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 15, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 14, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2836 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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Salomon Gonzalez
8529 Jasmine Crest Ct.
Elk Grove CA 95624

MAILED

JAN 10 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Salomon Gonzalez :
Application No. 12/062,723 :
Filed: April 4, 2008 :
Attorney Docket No. INVT 07.102 :

This is a decision on the petition filed October 22, 2010 under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of May 29, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is August 30, 2009. A Notice of Abandonment was mailed on February 2, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lack items (1) and (3).

As to item 1, the amendment filed on April 21, 2010, did not *prima facie* place the application in condition for allowance, therefore the reply required must be a Notice of Appeal (and appeal fee), an RCE, or the filing of a continuing application under 37 CFR 1.53(b). See attached courtesy copy of the advisory action.

As to item 3, the statement of unintentional delay is not acceptable because the petition was not signed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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 P. O. Box 1450
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By hand: U. S. Patent and Trademark Office
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 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Attachment: Copy of Advisory Action



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,723	04/04/2008	Salomon Gonzalez	INVT 07.102	1836
68702	7590	09/08/2009		
NT Patent Law 6039 E. Grant Rd. Tucson, AZ 85712			EXAMINER PRINCE, FRED G	
			ART UNIT	PAPER NUMBER
			1797	
			NOTIFICATION DATE	DELIVERY MODE
			09/08/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

qnguyen@ntiplaw.com
dmoroyoqui@ntiplaw.com
jnguyen@ntiplaw.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/062,723	Applicant(s) GONZALEZ, SALOMON	
	Examiner Fred Prince	Art Unit 1797	

–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED 27 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See *Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 and 2.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
the claims require further consideration/search and may include new matter.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Fred Prince/
Primary Examiner
Art Unit: 1797

Continuation of 3. NOTE: Applicant now recites a "thin" tubular hinge. Applicant has not previously recited a "thin" tubular hinge and, as such, the examiner has not searched for nor considered said hinge. The limitation requires further consideration and may constitute new matter since the term is not recited in the claims or drawings. Regarding a hinge being inherently "thin", the examiner disagrees because the term is not defined by applicant and is a relative term. Further, it is wholly unclear what diameter/thickness of hinge is encompassed by the term "thin" since the term is a relative term nowhere defined by applicant in the original disclosure. It is unclear what the maximum diameter/size of the hinge may be and still be considered "thin".



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8529 Jasmine Crest Ct.
Elk Grove CA 95624

MAILED

MAR 14 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Salomon Gonzalez :
Application No. 12/062,723 :
Filed: April 4, 2008 :
Attorney Docket No. INVT 07.102 :

This is a decision on the renewed petition filed February 1, 2011, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, May 29, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 30, 2009. A Notice of Abandonment was mailed on February 2, 2010

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$405, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received February 1, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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SEP 16 2010

OFFICE OF PETITIONS

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

In re Application of
Jeffrey De Vries et al
Application No. 12/062,766
Filed: April 4, 2008
Attorney Docket No. 71603-8025.US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 9, 2010.


The request is **APPROVED**.

The request was signed by Brian R. Coleman on behalf of all of the practitioners of record.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record was left blank and is not accepted. The correspondence address must be: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor or the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jeffrey De Vries
902 W. Olive Avenue
Sunnyvale, CA 94086



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/062,766	04/04/2008	Jeffrey de Vries	71603-8025.US01

JEFFREY DE VRIES
902 W. OLIVE AVENUE
SUNNYVALE, CA 94086

CONFIRMATION NO. 1907
POWER OF ATTORNEY NOTICE



OC000000043513824

Date Mailed: 09/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

MAILED

AUG 31 2010

OFFICE OF PETITIONS

In re Application of :
Jeffrey De Vries, et al. :
Application No. 12/062,789 :
Filed: April 4, 2008 :
Attorney Docket No. 71603-8026.US01 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 9, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.


If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCKEE VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of :
Stuart J. Birrell et al :
Application No. 12/062,846 : **DECISION GRANTING PETITION**
Filed: April 4, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. P07916US01 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 9, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 9, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3671 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

MAILED

AUG 10 2010

OFFICE OF PETITIONS

In re Application of	:	
HAWMAN, ERIC G.	:	
Application No. 12/062,847	:	ON PETITION
Filed: 04/04/2008	:	
Attorney Docket No. 2008P05732 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 6, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 7, 2009. A Notice of Abandonment was mailed on December 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), the RCE fee and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2884 for processing of the RCE and for appropriate action by the Examiner on the amendment submitted in accordance with 37 CFR 1.114.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WILSON DANIEL SWAYZE, JR.
3804 CLEARWATER CT.
PLANO TX 75025

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
Lonnie CHATMON
Application No. 12/062,882
Filed: April 04, 2008
Attorney Docket No. WDS-3930

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: DECISION ON PETITION
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This is a decision on the petition, filed March 19, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Office action mailed April 25, 2008, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 26, 2008.

Petitioner asserts that the Office action dated April 25, 2008 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of April 25, 2008. The Office action was mailed to an incorrect address. Office records have been updated to reflect the correct address. Accordingly, the Notice of Abandonment mailed December 31, 2008 is hereby vacated and the holding of abandonment withdrawn.

Inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received with petition.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with the first name "Thurman" and last name "Page" clearly distinguishable.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **LONNIE CHATMAN**
3927 SONORA AVE.
DALLAS, TX 75216-5754



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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YOUNG BASILE
3001 WEST BIG BEAVER ROAD, SUITE 624
TROY, MI 48084

MAILED

MAY 13 2011

OFFICE OF PETITIONS

In re Application of
Hiroto KIKUCHI, et al.
Application No. 12/062,884
Filed: April 4, 2008
Attorney Docket No. **NNA-446-A**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 12, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 28, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

This application is being referred to Technology Center AU 1736 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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JAN 14 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ahamed Mohideen
Narayana Thevar Sabapathy
16/6 First Cross Street
Sterling Road, Nungambakkam
Chennai 60003-4 IN

PCT LEGAL ADMINISTRATION

In re Application of: SABAPATHY

U.S. Application No.: 12/063,106

PCT No.: PCT/IN2006/000192

Int. Filing Date: 07 June 2006

Priority Date: 23 September 2005

Attorney Docket No.: None

For: AN ENGINE USING POTENTIAL AND
BUOYANCY ENERGY WITH DE
PRESSURE TRANSFER BOX

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DECISION ON PETITION
UNDER 37 CFR 1.137(a)

Applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably under 37 CFR 1.137(a)" was received on 10 January 2011. For reasons below, the petition is DISMISSED without prejudice and the application remains ABANDONED.

A petition fee is required for a "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably under 37 CFR 1.137(a)." A review of the finance records reveals that the attempt to charge the credit card submitted by applicant on 11 January 2010 was declined by the credit card company. In addition, an authorization to charge a deposit account was not provided. Accordingly, the petition has not been treated on the merits.

It is noted that the petition form submitted by applicant is executed by Ahamed Mohideen, who is not an applicant or registered patent attorney. The petition must be signed by either all the applicants or by a registered patent attorney or patent agent acting on behalf of all the applicants (see 37 CFR 1.33(b)).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith 
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298



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P.O. Box 1450
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Ahamed Mohideen
Narayana Thevar Sabapathy
16/6 First Cross Street
Sterling Road, Nungambakkam
Chennai 60003-4 IN

MAILED

FEB 24 2012

PCT LEGAL ADMINISTRATION

In re Application of: SABAPATHY
U.S. Application No.: 12/063,106 :
PCT No.: PCT/IN2006/000192 :
Int. Filing Date: 07 June 2006 :
Priority Date: 23 September 2005 : **DECISION ON PETITION**
Attorney Docket No.: None : **UNDER 37 CFR 1.137(a)**
For: AN ENGINE USING POTENTIAL AND :
BUOYANCY ENERGY WITH DE :
PRESSURE TRANSFER BOX :

This decision is in response to applicant's communication filed 29 December 2011 treated herein as a renewed Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably under 37 CFR 1.137(a).

For reasons below, the petition is DISMISSED without prejudice and the application remains ABANDONED.

On 22 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Insufficient Fees (DO/EO/US) (Form DO/EO/923) mailed 24 September 2008 within the time period set therein.¹

As previously stated, a petition fee is required for a "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably under 37 CFR 1.137(a)." A review of the finance records reveals that the attempt to charge the credit card submitted by applicant on 11 January 2010 was declined by the credit card company. In addition, an authorization to charge a deposit account was not provided. Accordingly, the petition has not been treated on the merits.

A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the requisite petition fee; (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the

¹The Notification of Insufficient Fees (PCT/DO/EO/923) indicated that \$340 in additional fees (\$110 application search fee; \$165 application examination fee; and \$65 surcharge under 37 CFR 1.492(h)) were required in the present application.

due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required pursuant to 37 CFR 1.137(c).

Also, applicant may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(b) requesting that the application be revived. A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Any petition filed under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated 37 CFR 1.137.

The recommendation to file a petition under 37 CFR 1.137 should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

It is noted that the renewed petition must be signed by either all the applicants or by a registered patent attorney or patent agent acting on behalf of all the applicants (see 37 CFR 1.33(b)).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

cc: Narayana Thevar Sabapathy
H-2-C Bharanthidasan Colony
KK Nagar, Chennai
600 078 Tamilnadu, India



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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

SEP 16 2010

OFFICE OF PETITIONS

In re Application of
Yoshihiro Miyajl
Application No. 12/063,121
Filed: February 7, 2008
Attorney Docket No. Q105791

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: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
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This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 15, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 18, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3741 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Law Offices of Daniel L. Dawes
Dawes Patent Law Group
5200 Warner Blvd, Ste. 106
Huntington Beach CA 92649

MAILED

OCT 01 2010

In re Application of
Ronald G. Holder et al.
Application No. 12/063,234
Filed: February 7, 2008
Attorney Docket No. IMS1.PAU.10.US

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 8, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 79782 has been revoked by the applicants of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: KING & SPALDING LLP
1100 LOUISIANA ST., SUITE 4000
ATTN.: IP DOCKETING
HOUSTON, TX 77002-5213



United States Patent and Trademark Office

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DEC 06 2010

PCT LEGAL ADMINISTRATION

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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

In re Application of
Heise et al.
Application No. 12/063,246
PCT No.: PCT/EP2006/007694
Int. Filing Date: 03 August 2006
Priority Date: 11 August 2005
Atty. Docket No.: 91165CJW
For: Device For Depositing
For A Printing Machine

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DECISION

This is in response to the correspondence filed on 29 September 2010.

BACKGROUND

This international application was filed on 03 August 2006, claimed an earlier priority date of 11 August 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 15 February 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 11 February 2008. Applicants filed, *inter alia*, the basic national fee on 08 February 2008.

On 31 August 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) in view of a discrepancy in inventor Gritzuhn's name.

DISCUSSION

Inspection of the declaration filed on 09 February 2010 reveals that it names "Gritzuhn, Dieter" in place of "GRITZUHN, Rolf, Dieter" nominated in the published international application. Counsel characterizes the discrepancy as an "unintentional error," and asserts that both Dieter and Rolf are names of the inventor. MPEP 605.04(b) states in part that

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

In that the requested change clearly represents more than the correction of a typographical or transliteration error (since name inversion is not regarded as a mere typographical error), a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Any such petition should be accompanied by a first-hand statement stating the relevant facts. *See also* MPEP 1893.01(e).

DECISION

The declaration filed on 09 February 2010 is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



United States Patent and Trademark Office

MAILED

MAR 22 2011

Commissioner for Patents
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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER NY 14650-2201

PCT LEGAL ADMINISTRATION

In re Application of
Heise et al.
Application No. 12/063,246
PCT No.: PCT/EP2006/007694
Int. Filing Date: 03 August 2006
Priority Date: 11 August 2005
Atty. Docket No.: 91165CJW
For: Device For Depositing
For A Printing Machine

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DECISION

This is in response to the petition under 37 CFR 1.182 filed on 20 January 2011.

DISCUSSION

In a Decision mailed on 06 December 2010, applicants were advised that

Inspection of the declaration filed on 09 February 2010 reveals that it names "Gritzuhn, Dieter" in place of "GRITZUHN, Rolf, Dieter" nominated in the published international application. Counsel characterizes the discrepancy as an "unintentional error," and asserts that both Dieter and Rolf are names of the inventor. MPEP 605.04(b) states in part that...

In that the requested change clearly represents more than the correction of a typographical or transliteration error (since name inversion is not regarded as a mere typographical error), a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Any such petition should be accompanied by a first-hand statement stating the relevant facts. *See also* MPEP 1893.01(e).

In response, petitioner has provided a "Statement" signed by Dr. Detlef Schulze-Hagenest, who is asserted to possess first-hand knowledge of the facts recounted. Affiant asserts that "the Dieter GRITZUHN who signed the declaration for the instant US application 12/063,246 was the same person as the Rolf Dieter GRITZUHN who co-invented the subject matter of the instant PCT application PCT/EP2006/007694." Under the fact pattern presented by this case, and in view of the evidence now of record, it would be appropriate to accept petitioner's assertions as to the identity of the inventor and the nature of the discrepancy. Therefore, the inventor's name as it appears on the declaration is accepted.

The \$400.00 petition fee is being charged to Deposit Account No. 05-0225, as authorized.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **09 February 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/063,371	09/24/2009	Edwin P. Rock	26792-14332	6823
758	7590	11/29/2011		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER SANG, HONG	
			ART UNIT 1643	PAPER NUMBER
			NOTIFICATION DATE 11/29/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOC@Fenwick.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

Applicant: Rock et al.
Appl. No.: 12/063,371
Filing Date: September 24, 2009
Title: ANTIBODY COMPOSITIONS, METHODS FOR TREATING NEOPLASTIC
DISEASE AND METHODS FOR REGULATING FERTILITY
Attorney Docket No.: 26792-14332
Pub. No.: US 2010/0068135 A1
Pub. Date: March 18, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 24, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** In addition, the applicant did not provide a copy of the application papers for publication purposes. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following

website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 12/02/2011 KKING1
03/25/2011 INTEFSW 00003945 192555 12063371
01 FC:1504 300.00 CR



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

AUG 13 2010

OFFICE OF PETITIONS

**CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE FL 33301**

In re Application of	:	
Tomasz TROCZYNSKI, et al	:	
Application No. 12/063,375	:	DECISION ON PETITION
Filed: March 11, 2008	:	TO WITHDRAW
Attorney Docket No. 1418-3PUS	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by John Christopher on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TOMASZ TROCZYNSKI
1050 EAST 57TH AVENUE
VANCOUVER, BC CANADA V5X 1T6



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/063,375	03/11/2008	Tomasz Troczynski	1418-3PUS

CONFIRMATION NO. 6871

POWER OF ATTORNEY NOTICE



31292
CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE, FL 33301

Date Mailed: 08/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/14/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date : 9/62011
Patent No. : 7,976,245 B2
Serial No. : 12/063,399
Inventor(s) : Finnigan
Issued : July 12, 2011
Title : **MOORING**
Docket No. : **08-18708-187**

Re: Request for Reconsideration

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A petition is required to correct the Assignee, under 37 CFR 1.183, and should include: (1) the petition fee set forth in 37 CFR 1.117(h) (currently \$130); (2) the correct name and address of the assignee; (3) the reel and frame number where the assignment is recorded or proof of the date the assignment was submitted for recordation.

A request for a patent to be corrected to state the name of the assignee must:

- A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
- B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
- C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: 571-273-8300
 ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ernest C. White, *LIE*
ernest.white@uspto.gov
(571) 272-3385
For Mary F. Diggs (703) 756-1580
Decisions & Certificates
of Correction Branch

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

ecw



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CONLEY ROSE, P.C.
DAVID A. ROSE
P. O. BOX 3267
HOUSTON TX 77253-3267

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Application of :
Steven J. Kronowitz :
Application No. 12/063,403 : **DECISION ON PETITION**
Filed: July 9, 2008 :
Attorney Docket No. 2959-00200 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed April 27, 2011, which set a shortened statutory period for reply of two (2) months. Accordingly, the above-identified application became abandoned on June 28, 2011. A Notice of Abandonment was mailed on July 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) An amended Specification (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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MAILED

OCT 28 2011

PCT LEGAL ADMINISTRATION

MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver CO 80237

In re Application of:
TRICKEY, Lynden, William, et al.
U.S. Application No.: 12/063,414
PCT No.: PCT/AU2006/001145
International Filing Date: 11 August 2006
Priority Date: 11 August 2005
Attorney's Docket No.: 50460-00001
For: IMPROVEMENTS IN OR
RELATING TO CONTAINERS AND
PERMEABLE FILMS

DECISION ON PETITION UNDER
37 CFR 1.182

This decision is issued in response to the "Petition Under 37 CFR §§ 1.181 and 1.182" filed on 10 August 2011.

BACKGROUND

On 11 August 2006, applicants filed international application PCT/AU2006/001145. The international application claimed a priority date of 11 August 2005, and it designated the United States. On 15 February 2007, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 February 2008. The international application as filed and published included claims 1-43.

On 15 October 2007, an "International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty)" (Form PCT/IPEA/409) was issued by the IPEA/AU (hereinafter "IPRP"). The IPRP was issued with annexes, including amended claims 1-31.

On 08 February 2008, applicants filed materials for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a "Request To Enter Annexes With PCT Article 34 Amendments" requesting that the annexes to the IPRP be entered in the U.S. national stage application prior to examination.

On 31 March 2008, applicants filed an executed declaration and a "Preliminary Amendment" requesting that the accompanying amendments be entered prior to examination. The Preliminary Amendment was directed to the original claims, 1-43, set forth in the published international application, not the amended claims annexed to the IPRP, and it indicated that the attached "Listing of Claims" was to replace all prior versions, and listings, of claims in the application.

On 16 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt. The filing receipt indicated that the present application contained 43 claims.

On 25 August 2010, the USPTO issued an Office Action containing a restriction requirement. The Office Action was made with respect to the claims as amended by the preliminary amendment filed herein, not the claims annexed to the IPRP.

On 22 February 2011, applicants filed a response to the restriction requirement electing Group I of the claims for examination. The response did not argue that the claims being examined were not the proper claims.

On 10 May 2011, the USPTO mailed an Office Action rejecting the elected claims.

On 10 August 2011, applicants filed the petition considered herein.

DISCUSSION

The present petition argues that the proper claims of record are those annexed to the IPRP and that the Office Action mailed herein, which addressed the original claims (as amended in applicants' preliminary amendment) should be vacated in favor of a new Office Action examining the claims annexed to the IPRP. The petition is dismissed as untimely. In this regard, it is noted that applicants did not object to the restriction requirement issued on 25 August 2010, which made clear that the claims under consideration herein were not the claims annexed to the IPRP, but rather the original claims in the international application (as amended in applicants' preliminary amendment). Instead, applicants made an election without traverse. In view of applicants' failure to object to the Office Action containing the restriction requirement, applicants' present petition objecting to the examination of the elected claims is considered untimely and therefore is appropriately dismissed.¹

CONCLUSION

The petition to enter the claims annexed to the IPRP as the claims of record and to vacate the Office Action mailed on 10 May 2011 is **DISMISSED** without prejudice.

The claims of record in the present national stage application remain the original claims in the international application, as amended by applicants in the preliminary amendment filed on 31 March 2008 and subject to applicants' election in the correspondence filed 22 February 2011.

¹ It is noted that applicants also failed to object to the filing receipt mailed on 16 March 2010, which stated that the application contained 43 claims (as opposed to the 31 claims contained in the annex to the IPRP), and that the preliminary amendment filed by applicants, directed to the original claims in the published international application, is not consistent with the intent to enter the claims annexed to the IPRP. Finally, the amended claims annexed to the IPRP were not in proper form and therefore could not properly be entered for use herein. For example, the set of claims annexed to the IPRP is incomplete, as it contains only claims 1-31 and the IPRP does not expressly cancel original claims 32-43 (see IPRP, Box No. 1(3)).

The Office Action mailed on 10 May 2011 remains in effect.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLLS, MI 48326-1581

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of
Rene Trapp, et. al.
Application No. 12/063,456
Filed: March 26, 2010
Attorney Docket No. AP11239

DECISION ON PETITION

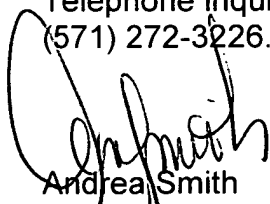
This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 9, 2011, to revive the above-identified application.

The above application became abandoned for failure to timely respond to the non-final Office action mailed October 19, 2010.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2836 for review of the amendment filed on May 9, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



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DALLAS, TX 74380

MAILED

AUG 19 2011

OFFICE OF PETITIONS

Applicant: Guillaume De Cremoux
Appl. No.: 12/063,460
International Filing Date: August 7, 2006
Title: MULTI-PURPOSE BATTERY CHARGING CIRCUIT
Attorney Docket No.: NIJ-001111US1
Pub. No.: US 2010/0231171 A1
Pub. Date: September 16, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 13, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS MI 48304-5086

MAILED

OCT 21 2010

In re Application of
Scherer et al
Application No.: 12/063,541
Int. Application: PCT/EP2006/007833
Int. Filing Date: 08 August 2006
Priority Date: 13 August 2005
Attorney's Docket No.: 85445-130
For: DEVICE AND METHOD FOR CONNECTING...
A CONNECTING NIPPLE

DECISION ON PCT LEGAL ADMINISTRATION

REQUEST UNDER

37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)"
filed on 25 August 2010.

BACKGROUND

In a decision from this Office mailed on 21 July 2010, the decision indicated that the
request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 21 July 2010, applicants filed the current renewed request.

DISCUSSION

A review of the renewed request reveals that applicants are not required to satisfied item
(3) of 37 CFR 1.497(d) as no assignment has been executed by the original named inventors.

Accordingly, applicants are deemed to satisfy the items under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office
(DO/EO/US) for continued processing consistent with this decision.


Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : November 29, 2011

In re Application of :

Kyoung-Il Seo

Application No : 12063546

Filed : 11-Feb-2008

Attorney Docket No : 038779/340567

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 29, 2011

The request is **APPROVED**.

The request was signed by Adam M Kaplan (registration no. 59109) on behalf of all attorneys/agents associated with Customer Number 826 . All attorneys/agents associated with Customer Number 826 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name KT Corporation
Name2
Address 1 206, Jungja-Dong, Bundang-Gu
Address 2 Kyeonggi-Do
City Seongnam-City
State
Postal Code 463-711
Country KR

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12063546	
Filing Date	11-Feb-2008	
First Named Inventor	Kyoung-Il Seo	
Art Unit	2618	
Examiner Name	SUJATHA SHARMA	
Attorney Docket Number	038779/340567	
Title	Method for Selecting the Installation Position and Direction of Link Antenna in Inbuilding Radio Frequency Repeater and Cable Apparatus Used in the Same	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 826		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	KT Corporation	
Address	206, Jungja-Dong, Bundang-Gu Kyeonggi-Do	
City	Seongnam-City	
State		
Postal Code	463-711	
Country	KR	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Adam M Kaplan/
Name	Adam M Kaplan
Registration Number	59109



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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of :
Masahiro Hatakeyama et al :
Application No. 12/063,604 : **DECISION GRANTING PETITION**
Filed: February 12, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 081155 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 14, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 6, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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United States Patent and Trademark Office
P.O. Box 1450

MAILED

SEP 20 2011

OFFICE OF PETITIONS

Momentive Specialty Chemicals Inc.
12650 Directors Drive, Suite 100
Stafford TX 77477

In re Application of	:	
Damiano BECCARIA et. al	:	ON PETITION
Application No. 12/063,609	:	
Filed: February 12, 2008	:	
Atty. Docket No.: 05-01-CI.US	:	

This is in response to the petition under 37 CFR 1.137(b), filed August 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts mailed November 2, 2010, which set a shortened period for reply of two (2) months. A one month extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned February 3, 2011. A Notice of Abandonment was mailed June 10, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice mailed February 11, 2011, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Patent Application Processing for processing of the filed Response.

Ramesh Krishnamurthy
for Anthony Knight
Director
Office of Petitions



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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

MAILED
AUG 02 2010
OFFICE OF PETITIONS

In re Application of :
Masanori Nakamura et al :
Application No. 12/063,671 : DECISION GRANTING PETITION
Filed: February 12, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 04473/016001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 28, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 24, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2832 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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JAN 14 2011

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NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

In re Application of	:	
ANDERSEN et al.	:	
Application No.: 12/063,692	:	DECISION ON PETITION
PCT No.: PCT/EP2006/065303	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 15 August 2006	:	
Priority Date: 16 August 2005	:	
Attorney Docket No.: 7210.204-US	:	
For: METHOD FOR MAKING MATURE	:	
INSULIN POLYPEPTIDES	:	

The petition to revive under 37 CFR 1.137(b) filed 22 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (sequence listing) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298



UNITED STATES PATENT and TRADEMARK OFFICE

1 - SEP 2010

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ALEXANDRIA, VA 22313-1450
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DeMont & Breyer, LLC
100 Commons Way, Suite. 250
Holmdel NJ 07733

In re Application of
Bicker et al
Application No.: 12/063,761
PCT No.: PCT/EP2006/008302
Int. Filing Date: 24 August 2006
Priority Date: 24 August 2005
Attorney's Docket No.: 9771-097US
For: METHOD AND DEVICE...
HOLLOW BODIES

DECISION ON
PETITION
UNDER 37 CFR 1.181

This decision is in response to the "Request for Correction of Notice of Acceptance of Application," filed on 18 May 2010, which is being treated as a petition under 37 CFR 1.181 to correct the Notice of Acceptance.

BACKGROUND

On 13 February 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application. However, no executed oath or declaration was filed on such date.

On 01 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 14 August 2008, applicants filed an executed declaration.

On 10 March 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) date and that the date of completion of all 35 U.S.C. 371 is 14 August 2008.

On 18 May 2010, applicants submitted the present petition indicating that the specification, claims and abstract were filed on 8/14/2008 rather than as indicated on the Notice of Acceptance.

DISCUSSION

A review of the file reveals that the specification, claims and abstract were filed on 8/14/2008.

However, a review of the executed declaration filed on 14 August 2008 shows that it is defective because it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of two sets of declarations, which one is incomplete because each set must be complete by having the correct number of pages and listing all the inventors. In this case, only one set is complete because it comprises of two (2) pages of the declaration. The second set is incomplete because it only contains page 2 and does not have page 1 of the executed declaration. Therefore, the composite Declaration is incomplete.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each set must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 10 March 2009 was in **ERROR** and is hereby **VACATED**.

Thus, the executed declaration filed on 14 August 2008 is improper and a proper executed composite declaration is required.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 10 March 2009 is **VACATED** with the mailing of this decision.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within **ONE (1) MONTH** from the mail date of this decision or within the time limit in the response set forth in the Notification of Missing Requirements, whichever is longer. The period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a). Failure to respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel NJ 07733

MAILED

MAR 07 2011

In re Application of	:	
Bicker et al	:	
Application No.: 12/063,761	:	
PCT No.: PCT/EP2006/008302	:	DECISION ON PCT LEGAL ADMINISTRATION
Int. Filing Date: 24 August 2006	:	
Priority Date: 24 August 2005	:	PETITION
Attorney's Docket No.: 9771-097US	:	
For: METHOD AND DEVICE...	:	UNDER 37 CFR 1.181
HOLLOW BODIES	:	

This decision is responsive to applicants' "DECLARATION AND POWER OF ATTORNEY" filed on 08 September 2010, which is being treated as a petition under 37 CFR 1.181 requesting the acceptance of the executed declaration.

BACKGROUND

In a decision from this Office on 01 September 2010, the decision indicated that Notice Of Acceptance (PTO/DO/EO/903) mailed on 10 March 2009 was in error and vacated as the declaration filed on 14 August 2008 was an incomplete set.

On 08 September 2010 applicants filed a renewed petition under 37 CFR 1.181, which included a proper executed set of declarations.

DISCUSSION

The declarations filed on 08 September 2010 is a properly executed set of declarations that satisfies the conditions set forth under 37 CFR 1.497(a) and (b).

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 and for issuing a new PCT/EO/DO/ form 903.

The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **08 September 2010**.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



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GREENBLUM & BERNSTEIN, PLC
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Katsuhisa Kitada, et al. :
Application No. 12/063,795 : DECISION GRANTING PETITION
Filed: February 14, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P33924 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed December 20, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 2, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2841 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

cc: JEFFREY L. COSTELLIA
NIXON PEABODY, LLP
401 9TH STREET NW
SUITE 900
WASHINGTON, DC 20004



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 010/27/11

Patent No. : 7784580 B2
Ser. No. : 12/063,892
Inventor(s) : **Takahata**
Issued : **August 31, 2010**
Title : Fuel supply system component protective construction
Docket No. : **Q103847**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. **the processing fee set forth in 37 CFR 1.17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

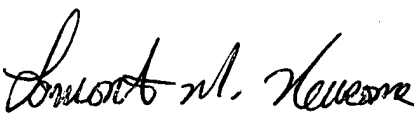
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.


Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

LMN



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JAE Y. PARK
KILE PARK GOEKJIAN REED & MCMANUS PLLC
1200 NEW HAMPSHIRE AVE. NW, SUITE 570
WASHINGTON, DC 20036

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of
Hee-Soo Lee, et al.
Application No. 12/063,933
Filed: February 15, 2008
Attorney Docket No: SHS-0014-ET

ON PETITION

This is a decision on the petition, filed November 23, 2011, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 11, 2011. A Notice of Abandonment was mailed on October 26, 2011. On November 23, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870 and the publication fee of \$300, (2) the petition fee of \$930; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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01 OCT 2010

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ALEXANDRIA, VA 22313-1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

In re Application of LEITCH	:	
U.S. Application No.: 12/063,938	:	
PCT Application No.: PCT/AU2006/001180	:	DECISION
Int. Filing Date: 18 August 2006	:	
Priority Date Claimed: 19 August 2005	:	
Attorney Docket No.: 13106-004	:	
For: ARACHNOCAMPA LUCIFERASES	:	

This is in response to applicant's petition under 37 CFR 1.181 filed 30 July 2010.

BACKGROUND

On 18 August 2006, applicant filed international application PCT/AU2006/001180, which claimed priority of an earlier United States application filed 19 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 22 February 2007. The thirty-month period for paying the basic national fee in the United States expired on 19 February 2008.

On 15 February 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 February 2009, the DO/EO/US mailed a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922), which indicated that a sequence listing in computer readable form must be submitted.

On 07 June 2010, the Office mailed a Notice of Abandonment, which stated that the application is abandoned for failure to timely respond to Form PCT/DO/EO/922.

On 30 July 2010, applicant filed the present petition under 37 CFR 1.181 to withdraw the holding of abandonment.

DISCUSSION

A review of the application file reveals that a sequence listing in computer readable form was submitted on 15 February 2008. Accordingly, Form PCT/DO/EO/922 was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 23 February 2009 is hereby VACATED.

The Notice of Abandonment mailed 07 June 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 August 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 February 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09-07-10

TO SPE OF : ART UNIT 3765

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/063960 Patent No.: 7726350

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Angela Green 703-756-1541

**Certificates of Correction Branch
703-756-1814**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Gary L. Welch/

3765

SPE

Art Unit



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K&L GATES LLP
3580 CARMEL MOUNTAIN ROAD
SUITE 200
SAN DIEGO CA 92130

MAILED

SEP 03 2010

In re Application of	:	OFFICE OF PETITIONS
Roger HARRIS, et al	:	
Application No. 12/064,005	:	DECISION ON PETITION
Filed: April 30, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3800096.00164 / 1414US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 28, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Applicant John Wise's passport, which is evidence showing that at least one of the applicants is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-1600.

The application is being forwarded to Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
PO BOX 7021
TROY MI 48007-7021

MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

In re Application of
GURR et al
Application No.: 12/064,041
PCT No.: PCT/GB2007/004134
Int. Filing Date: 30 October 2007
Priority Date: 30 October 2006
Attorney Docket No.: BKR-28502/01
For: PAINT ROLLER AND PAINT ROLLER
SLEEVE SUPPORT

DECISION

This decision is in response to applicants' "RESPONSE TO NOTICE OF DEFECTIVE RESPONSE," which is being treated as a petition under 37 CFR 1.181, filed on 26 July 2010 indicating that the executed composite declaration filed on 29 June 2010 contains the correct spelling of the third joint inventor's name Andrew BOND.

BACKGROUND

On 18 February 2008, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed oath or declaration was filed at that time.

On 20 May 2008, applicants filed an improper composite executed declaration, with the third named inventor listed as Andrew BOND which was different from what was listed in the international application as Andrew BAND.

On 06 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 12 May 2010, applicants responded to the Notice to File Missing Parts of Application.

On 17 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916).

On 29 June 2010, applicants filed a proper composite executed declaration.

On 06 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a second "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916).

On 26 July 2010, applicants responded with the current petition stating that Andrew BOND is the correct name as it was incorrectly misspelled in the published PCT application.

DISCUSSION

The correct name of the third joint-inventor is "Andrew BOND" as filed in the executed declaration on 29 June 2010, and not as it appeared in the publication of the international application (Andrew BAND). The reply states that his name was inadvertently misspelled in the international application but now has been corrected. Accordingly, the correct name, Andrew BOND, now appears in the composite declaration as filed on 29 June 2010 to the USPTO.

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED** that the correct spelling of the third joint inventor is Andrew BOND as filed in the executed composite declaration on 29 June 2010.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



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SCHWEGMAN, LUNDBERG & WOESSNER, PA
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of
David J. Grainger, et al.
Application No. 12/064,117
Filed: August 18, 2008
Attorney Docket No. 16483.002US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Janet E. Embretson on behalf of all attorneys of record who are associated with customer No. 21186. All attorneys/agents associated with the Customer Number 21186 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: DAVID J. GRAINGER
TCP INNOVATIONS LIMITED
9 ST JOHN'S STREET
DUXFORD CAMBRIDGE, CB2 4RA
UNITED KINGDOM



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/064,117	08/18/2008	David J. Grainger	1649.002US1

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

CONFIRMATION NO. 5917
POWER OF ATTORNEY NOTICE



Date Mailed: 08/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/25/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Paper No.

GlaxoSmithKline
GLOBAL PATENTS -US, UW2220
P. O. BOX 1539
KING OF PRUSSIA, PA 19406-0939

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Hamprecht et al. : DECISION ON
Application No. 12/064,119 : PETITION
Filed: May 20, 2008 :
Attorney Docket No. PB61590 :

This is a decision on the "PETITION UNDER 37 CFR §1.181," filed April 7, 2011.


The petition is **GRANTED**.

Applicants request transfer of an information disclosure statement erroneously filed on March 30, 2011 in the above-referenced application number 12/064,119 to the correct application number 12/608,463. Applicants state the incorrect application serial number was inadvertently entered in the electronic filing system.

A review of the record confirms that as maintained by applicants, in error, an IDS bearing application No. 12/608,463 was electronically filed in this application. Accordingly, the IDS and associated papers filed March 30, 2011 have been "moved" from the electronic record of this application to the record of the correct application, 12/608,463.

No fee is required on petition under § 1.181 to correct this error.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101130

DATE : November 30, 2010

TO SPE OF : ART UNIT 3611

SUBJECT : Request for Certificate of Correction on Patent No.: 7788835B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/064,222	07/09/2008	Christopher Harris	28489/43670	6838
4743 7590 04/22/2011 MARSHALL, GERSTEIN & BORUN LLP 233 SOUTH WACKER DRIVE 6300 WILLIS TOWER CHICAGO, IL 60606-6357			EXAMINER WONG, LUT	
			ART UNIT 2129	PAPER NUMBER
			NOTIFICATION DATE 04/22/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mgbdoCKET@marshallip.com



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P.O. Box 1450
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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of: C. HARRIS
Application No. 12/064,222
Atty. Docket: **28489/43670**
Filed: February 19, 2008
For: **METHOD AND APPARATUS FOR
CONFIGURING A COMMUNICATION
CHANNEL**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 22, 2011 to make the above-identified application special.

The petition is **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either
 - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims,
 - Or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - (i) validly claims priority to an application filed in the JPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (iii) contains no priority claim,
 - Or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - (i) validly claims priority to an application filed in the JPO, or

- (ii) validly claims priority to a PCT application that contains no priority claims, or
- (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH program and petition are found to not comply with the above requirements, since a first action on the merits was mailed on April 6, 2011.

Accordingly, the Petition is **DENIED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GUDRUN E. HUCKETT DRAUDT
SCHUBERTSTR. 15A
WUPPERTAL 42289 DE GERMANY

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of
Martin Demuth, et. al.
Application No. 12/064,243
Filed: February 20, 2008
Attorney Docket No. 08_009

ON PETITION

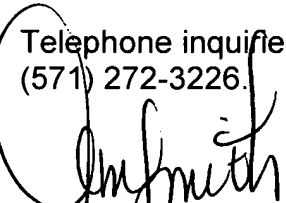
This is a decision on the petition under 37 CFR 1.137(b), filed April 20, 2011, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed June 23, 2010. A Notice of Abandonment was mailed on January 28, 2011.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 1736 for review of the amendment submitted with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2-23-12

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12064284 Patent No.: 8071597

CofC mailroom date: 2-8-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-E
Palm Location 7580

Note:

Omega Lewis

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1800

SPE

1624
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2-23-12

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12064284 Patent No.: 8071597

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Palm Location 7580**

Note:

Omega Lewis

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

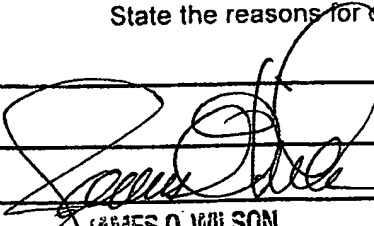
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE

1624
Art Unit

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2005904653	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AU2006/001244	International filing date (<i>day/month/year</i>) 25 August 2006	Priority date (<i>day/month/year</i>) 26 August 2005	
International Patent Classification (IPC) or national classification and IPC Int. Cl. A45D 20/50 (2006.01) A45D 1/14 (2006.01) A45D 1/04 (2006.01) A45D 2/40 (2006.01)			
Applicant MOURAD, Joseph			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (*sent to the applicant and to the International Bureau*) a total of sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 25 June 2007	Date of completion of this report 23 August 2007
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer VENKAT IYER AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. (02) 6283 2144

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2006/001244

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:
- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☐ the description:
- pages as originally filed/furnished
- pages* received by this Authority on _____ with the letter of _____
- pages* received by this Authority on _____ with the letter of _____
- ☐ the claims:
- pages as originally filed/furnished
- pages* as amended (together with any statement) under Article 19
- pages* received by this Authority on _____ with the letter of _____
- pages* received by this Authority on _____ with the letter of _____
- ☐ the drawings:
- pages as originally filed/furnished
- pages* received by this Authority on _____ with the letter of _____
- pages* received by this Authority on _____ with the letter of _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):
5. ☐ This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to the Authority under Rule 91 (Rule 70.2(e)).

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2006/001244

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has, within the applicable time limit:
- ☐ restricted the claims
 - ☐ paid additional fees
 - ☐ paid additional fees under protest and, where applicable, the protest fee
 - ☐ paid additional fees under protest but the applicable protest fee was not paid
 - ☐ neither restricted the claims nor paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:

Claim 1: It is considered that a hair styling device comprising an elongate arm having a hair receiving surface extending along at least part of the arm; an air passageway coupled to the arm and being in fluid communication with an elongate air outlet associated with the hair receiving surface, the elongate air outlet being disposed substantially parallel to the arm and configured to blow air substantially along the length of the hair; and brush means attached to the arm at or adjacent the hair receiving surface comprises a first distinguishing feature.

Claim 2: It is considered that a hair styling device comprising a pair of tongs including two elongate arms being closable with respect to one another, each of the arms having a hair receiving surface; a heating element connected to at least one of the hair receiving surfaces; an air passageway coupled to at least one of the arms and being in fluid communication with an air outlet associated with the hair receiving surface of that arm; air heating means operatively coupled to the air passageway for heating air blown through the passageway and exiting the elongate air outlet; and brush means attached to at least one of the arms at or adjacent the hair receiving surface comprises a second distinguishing feature.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2006/001244

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1 - 14	YES
	Claims	NO
Inventive step (IS)	Claims 1 - 14	YES
	Claims	NO
Industrial applicability (IA)	Claims 1 - 14	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

D1: US 4023578
D2: JP 2003174920
D3: JP 2004216179
D4: US 3150393
D5: US 4280517
D6: DE 8717038 U

None of the above documents explicitly discloses or suggests the invention defined in independent claims 1 or 2. Claim 1 requires that the air outlet be configured to blow air substantially along the length of the hair. Document D1 which is the closest art does not explicitly disclose this feature.

Claim 2 is an independent claim to a hair styling tong with a pair of arms having hair receiving surfaces, air passageway for hot air, brush means and heating means connected to at least one of the hair receiving means. The combination of these features is not evident from any of the above documents.

Thus claims 1, 2 and dependent claims 3 to 14 are considered to be novel and to involve an inventive step in light of the above prior art.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO**

Application No:	12/064,290	Filing date:	February 20, 2008
First Named Inventor:	Joseph Mourad		
Title of the Invention:	Hairstyling Device		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT
application number(s) is/are:** PCT/AU2006/001244

**The international filing date of the corresponding
PCT application(s) is/are:** August 25, 2006

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE IPAU AND THE USPTO**

(continued)

Application No.: 12/064,290

First Named Inventor: Joseph Mourad

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐

Is attached

☒Has already been filed in the above-identified U.S. application on September 24, 2008

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on September 24, 2008**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Amended to add "heating means" limitation
2	2	Amended to add " air outlet" limitation
3	3	Amended to remove multiply dependency
4	4	Original
5	5	Original
6	6	Amended to remove multiply dependency
7	7	Amended to remove multiply dependency
8	8	Amended to remove multiply dependency
9	9	Amended to remove multiply dependency
10	10	Amended to remove multiply dependency
11	11	Original
12	12	Original
13	13	Amended to remove multiply dependency
14	14	Amended to remove multiply dependency
15		New claim added which dependents from claim one

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /John E.Nemazi/

Date February 8, 2011

Name
(Print/Typed) John E. Nemazi

Registration Number 30876

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/064,290	02/20/2008	Joseph Mourad	MOUJ0101PUSA	7777
22045	7590	02/09/2011		
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER PELHAM, JOSEPH MOORE	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 02/09/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of	:	
MOURAD, JOSEPH et al	:	DECISION ON REQUEST TO
Application No. 12/064,290	:	PARTICIPATE IN PATENT
Filed: Feb. 20, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. MOUJ0101PUSA	:	PILOT PROGRAM AND PETITION
FOR: HAIRSTYLING DEVICE	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(a), filed Feb. 8, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. This is to acknowledge the receipt of a list of IPAU allowed claims which correspond to the US claims. IDS listing the documents cited by the Australian examiner in the IPAU office along with copies of documents are also received. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner, Tu Hoang, Art Unit 3742 at 571-272-1174.

This application will be being forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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www.uspto.gov

MOTS LAW, PLLC
1629 K STREET N.W.
SUITE 602
WASHINGTON, DC 20006-1635

MAILED

OCT 20 2010

PCT LEGAL ADMINISTRATION

In re Application of (none) :
U.S. Application No.: 12/064,298 :
PCT Application No.: PCT/IB2005/004044 :
Int. Filing Date: 20 August 2005 :
Priority Date Claimed: (none) :
Attorney Docket No.: 24I.024.0014.PC :
For: LINKING SYSTEM FOR PRODUCING A :
LINK BETWEEN BUILDING ELEMENTS :

DECISION

This is in response to applicant's correspondence filed 15 October 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 20 August 2005, applicant filed international application PCT/IB2005/004044. The sole applicant in the international application is identified as First Vandalia Luxembourg Holding S.A.

On 20 February 2008, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 17 March 2008, applicant filed an executed declaration.

On 18 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the inventor identified in the declaration was not identified in the international application.

On 15 October 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

35 U.S.C. 373 states,

An international application designating the United States, shall not be accepted by the Patent and Trademark Office for the national stage if it was filed by

anyone not qualified under chapter 11 of this title to be an applicant for the purpose of filing a national application in the United States. Such international applications shall not serve as the basis for the benefit of an earlier filing date under section 120 of this title in a subsequently filed application, but may serve as the basis for a claim of the right of priority under subsections (a) through (d) of section 119 of this title, if the United States was not the sole country designated in such international application.


In the present case, the international application was not filed by the person who was qualified under Chapter 11 (35 U.S.C. §§111-122) to be an applicant for a U.S. national application, i.e. the inventor. Accordingly, the international application will not be accepted by the Office for the U.S. national stage.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 18 August 2010 is hereby VACATED.

Any fees paid in the purported national stage application will be refunded in due course.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/064,344	02/21/2008	Keiichi Keyaki	61548/388429	8632

EXAMINER	
LAVINDER, JACK W	

ART UNIT	PAPER NUMBER
3677	

MAIL DATE	DELIVERY MODE
10/07/2010	PAPER

7590 10/07/2010
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management



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PCT LEGAL ADMINISTRATION

In re Application of
POSTOLOV *et al*
U.S. Application No.: 12/064,355
PCT No.: PCT/IL2006/000996
Int. Filing Date: 03 April 2009
Priority Date: 04 April 2008
Docket No.: 3017/8-US
For: AN INSPECTION SYSTEM AND A
METHOD FOR INSPECTING A DICED
WAFER

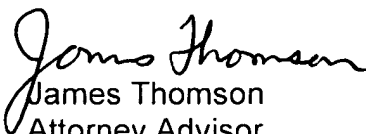
**DECISION ON
PETITION UNDER
37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 24 June 2008 is hereby
GRANTED as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration and a \$65.00 surcharge fee was submitted on 24 June 2008. A second surcharge fee was provided on 15 February 2011. The duplicate fee has been refunded. However, the declaration filed 24 June 2008 is not acceptable as it lists two inventors for the United States. The international publication (WO 2007/026351) for PCT/IL2006/000996 records only one inventor for the U.S. Yuri POSTOLOV is recorded as an applicant for all countries except the U.S.

This application is being forwarded to the United States Designated/Elected Office for further processing including the mailing of a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b).


James Thomson
Attorney Advisor

Office of PCT Legal Administration

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**OFFICE OF PETITIONS
ON PETITION**

In re Application of
Yuri Postolov et al.
Application No. 12/064,358
Filed: July 1, 2008
Attorney Docket No: P-3017/02-US

This is a decision on the petition filed November 29, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed April 29, 2011. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned August 1, 2011. Accordingly, a Notice of Abandonment was sent via Electronic Notification on November 18, 2011.

This matter is being referred to Technology Center 2624 for appropriate action on the amendment filed November 29, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

CONCLUSION

Applicant's petition to revive the abandoned application is **DISMISSED AS MOOT**. The declaration filed on 30 June 2008 meets the requirements of 37 CFR 1.497(a) and (b).

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 30 June 2008.

/Cynthia M. Kratz/
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29 SEP 2010

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In re Application of:	:	
BEN-LEVY, Meir, et al.	:	
U.S. Application No.: 12/064,364	:	DECISION ON RENEWED
PCT No.: PCT/IL2006/000986	:	PETITION UNDER
International Filing Date: 24 August 2006	:	37 CFR 1.47(a)
Priority Date: 26 August 2005	:	
Attorney Docket No.: 1527-Camtek-US	:	
For: DEVICE AND METHOD FOR	:	
INSPECTING AN OBJECT	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 19 October 2009.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 18 August 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had not provided an acceptable oath or declaration executed by the second inventor on his own behalf and on behalf of non-signing inventor Meir BEN-LEVY or an acceptable showing that non-signing inventor Meir BEN LEVY has refused to execute the application.

On 19 October 2009, applicants filed the "Renewed Petition Under 37 CFR 1.47(a)" considered herein.

DISCUSSION

1. Declaration Requirement Under 37 CFR 1.47(a)

The decision mailed 18 August 2009 stated that the declaration filed by applicants on 16 April 2009 was not acceptable as filed. Specifically, because such declaration had been executed on behalf of the non-signing inventor by the assignee, the declaration could not be interpreted as having been executed by the cooperating inventor on his own behalf and on behalf of the non-signing inventor, as required under 37 CFR 1.47(a).

The present renewed petition asserts that the formerly cooperating second inventor, Ophir PELEG, refuses to execute a declaration on his own behalf and on behalf of the first inventor, Meir BEN-LEVY. Because petitioner is now asserting that neither of the two inventors of record will execute a declaration that is acceptable under the present circumstances, a petition under 37 CFR 1.47(a) is no longer appropriate. Rather petitioner must proceed pursuant to 37 CFR 1.47(b), the applicable regulation where, as here, none of the inventors of record have properly executed the application.

In view of the above, the present petition is considered below under 37 CFR 1.47(b).

2. Petition Under 37 CFR 1.47(b)

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor(s) refuse to execute the application or cannot be reached after diligent effort; (3) a statement of the last known addresses of the non-signing inventors; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor(s); (5) proof of proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Regarding item (1), petitioner has previously provided the required \$200 petition fee for a petition under 37 CFR 1.47. Item (1) is therefore satisfied.

Regarding item (2), with respect to non-signing inventor Meir BEN-LEVY, the present renewed petition includes supplemental firsthand statements from Moran Demeter Druker and Oren Reches which, in combination with the materials provided with the original petition, demonstrate that non-signing inventor Meir BEN-LEVY was presented with repeated requests for signature, at least one of which was accompanied by a copy of the complete application, and that the inventor has not provided an executed declaration in response to such requests. These materials provide an acceptable showing that non-signing inventor Meir BEN-LEVY has refused to execute the application.

With respect to the second inventor, Ophir PELEG, the present renewed petition includes a firsthand statement from Oren Reches indicating that Mr. PELEG was provided with a request to re-sign a declaration that could be accepted under the circumstances herein, that is, a declaration that could be accepted as having been executed by Ophir PELEG on his own behalf and on behalf of non-signing inventor Meir BEN-LEVY, and that Ophir PELEG expressly refused to execute such declaration. This submission provides an acceptable showing that inventor Ophir PELEG has refused to execute a declaration acceptable under the circumstances present here.

Based on the above, item (2) of a grantable petition under 37 CFR 1.47(b) has been satisfied with respect to both inventors of record.

Regarding item (3), the petition includes an express statement of the last known addresses of the non-signing inventors. Item (3) is therefore satisfied.

Regarding item (4), the petition does not include an oath or declaration signed on behalf of the both non-signing inventors by an authorized representative of the assignee and 37 CFR 1.47(b) applicant, presumably Camtek, Ltd. ("Camtek"). Item (4) is therefore not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Here, the petition does not assert that the application has been expressly assigned to the 37 CFR 1.47(b) applicant. Rather, petitioner asserts that the inventors were employees of Camtek and "were under an obligation to assign the invention to Camtek both by contract and under Israeli law." With respect to such claims, the MPEP states the following:

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

The present petition does not include copies of the employment agreements pursuant to which the inventors were purportedly obligated to transfer their rights in the invention to Camtek. Moreover, petitioner has failed to provide the required "statement of a person having firsthand knowledge of the facts that the invention was made by the employee[s] while employed," as necessary to establish that the invention underlying the present application falls within the scope of any subsequently provided employment agreements.

Based on the above, petitioner has not provided an acceptable showing that the inventors were under a contractual obligation to assign the invention underlying the present application to Camtek. Item (5) of a grantable petition under 37 CFR 1.47(b) is therefore not satisfied on the present record.

It is noted that, if petitioner seeks to demonstrate a proprietary interest obtained other than by assignment or agreement to assign (i.e., pursuant to Israeli law), MPEP section 409.03(f) requires submission of the following:

an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum

should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Regarding item (6), the petition does not include the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore not satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy items (4), (5), and (6) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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In re Application of:
BEN-LEVY, Meir, et al.
U.S. Application No.: 12/064,364
PCT No.: PCT/IL2006/000986
International Filing Date: 24 August 2006
Priority Date: 26 August 2005
Attorney Docket No.: 1527-Camtek-US
For: DEVICE AND METHOD FOR
INSPECTING AN OBJECT

DECISION ON RENEWED
PETITION UNDER
37 CFR 1.47(b)

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 29 November 2010.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed 18 August 2009 and 29 September 2010.

The 29 September 2010 decision indicated that, based on the formerly cooperating co-inventor's refusal to execute an acceptable declaration, the petition originally filed under 37 CFR 1.47(a) was now properly considered as a petition under 37 CFR 1.47(b). The decision went on to dismiss without prejudice the petition under 37 CFR 1.47(b), finding that petitioner had not satisfied all the requirements of a grantable petition. Specifically, petitioner had not provided an acceptable oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventors, an acceptable showing of proprietary interest in the application, and a statement confirming that granting the petition was necessary to preserve the rights of the parties or to prevent irreparable damages.

On 29 November 2010, petitioner filed the "Renewed Petition Under 37 CFR 1.47(b)" considered herein.

DISCUSSION

With respect to the declaration requirement, the present renewed petition includes a revised declaration executed on behalf of the two non-signing inventors by an officer of 37 CFR 1.47(b) applicant Camtek, Ltd. ("Camtek"). However, the revised declaration does not include

all information required under 37 CFR 1.497. Specifically, the declaration does not set forth the citizenship of the inventors.

Petitioner must provide a revised declaration executed by an authorized representative of Camtek on behalf of the non-signing inventors that includes all required information, including the citizenship of the two non-signing inventors. Until such a declaration is submitted, the declaration element of a grantable petition under 37 CFR 1.47(b) remains unsatisfied.

With respect to the proprietary interest requirement, the renewed petition includes a copy of an assignment executed by both of the inventors. The assignment expressly transfers the inventors' rights in international application PCT/IL2006/000986 to Camtek. The petition also notes that the assignment has been recorded in the USPTO; however, petitioner has not submitted a statement under 37 CFR 3.73(b), as also required when proprietary interest is obtained pursuant to an express assignment. See MPEP section 409.03(f) (emphasis added):

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. **A statement under 37 CFR 3.73(b) by the assignee must also be submitted** (see MPEP § 324).

Until petitioner submits the required statement under 37 CFR 3.73(b), the proprietary interest element of a grantable petition under 37 CFR 1.47(b) remains unsatisfied.

With respect to requirement of a showing that the petition is necessary to preserve the rights of the parties or to prevent irreparable damages, the present renewed petition includes a statement from the 37 CFR 1.47(b) applicant confirming that the petition is required to preserve petitioner's rights. This statement satisfies this element of a grantable petition under 37 CFR 1.47(b).

Based on the above, two of the elements of a grantable petition under 37 CFR 1.47(b) remain unsatisfied. The renewed petition is therefore not appropriately granted on the present record.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should be entitled "Second Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to complete the final elements of a grantable petition, that is, an acceptable oath or declaration containing all required information, including the citizenship of the non-signing inventors, executed on behalf of the non-signing inventors by an authorized representative of the 37 CFR 1.47(b) applicant, and a properly executed statement under 37 CFR 3.73(b).

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

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In re Application of:	:	
BEN-LEVY, Meir, et al.	:	
U.S. Application No.: 12/064,364	:	
PCT No.: PCT/IL2006/000986	:	DECISION ON SECOND
International Filing Date: 24 August 2006	:	RENEWED PETITION UNDER
Priority Date: 26 August 2005	:	37 CFR 1.47(b)
Attorney Docket No.: 1527-Camtek-US	:	
For: DEVICE AND METHOD FOR	:	
INSPECTING AN OBJECT	:	

This decision is issued in response to the "Second Renewed Petition Under 37 CFR 1.47(b)" filed 27 April 2011.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed 18 August 2009, 29 September 2010, and 27 January 2011.

The 27 January 2011 decision dismissed the renewed petition under 37 CFR 1.47(b), finding that petitioner had failed to satisfy all the requirements of a grantable petition. Specifically, petitioner had not provided the statement under 37 CFR 3.73(b) required to complete petitioner's showing of proprietary interest in the application and an acceptable oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventors.

On 27 April 2011, petitioner filed the "Second Renewed Petition Under 37 CFR 1.47(b)" considered herein (petitioner had previously submitted payment of the required one-month extension fee).

DISCUSSION

The present submission was accompanied by a "Statement Under 37 CFR 3.73(b)" (Form PTO/SB/96) executed on behalf of the 37 CFR 1.47(b) applicant Camtek Ltd. (Camtek). Petitioner had previously submitted a copy of an assignment executed by both of the inventors that expressly transfers the inventors' rights in international application PCT/IL2006/000986 to Camtek. These materials, in combination, provide an acceptable showing that Camtek has the

required proprietary interest in the present application. This element of a grantable petition under 37 CFR 1.47(b) is therefore now satisfied.

With respect to the declaration requirement, the previous decision indicated that the revised declaration filed on 29 November 2010 (which was executed on behalf of the two non-signing inventors by an officer of Camtek) was not acceptable because it did not include all information required under 37 CFR 1.497. Specifically, the declaration failed to set forth the citizenship of the inventors. Accordingly, the decision indicated that petitioner was required to submit "a revised declaration executed by an authorized representative of Camtek on behalf of the non-signing inventors that includes all required information, including the citizenship of the two non-signing inventors."

The present submission was not accompanied by the required revised declaration executed on behalf of the inventors by a representative of Camtek. Rather, petitioner has filed a document entitled "Statement Of Mr. Michael Lev In Support To A Second Renewed Petition Under 37 CFR 1.47(B)." This statement is signed by Michael Lev, the same representative of Camtek that executed the previously-filed, defective declaration on behalf of the non-signing inventor, and this statement sets forth the citizenship of the inventors that was left off the previous declaration. However, the statement filed with the present submission is not executed in compliance with 37 CFR 1.68 and therefore cannot be considered as part of the declaration in compliance with 37 CFR 1.497 required herein.

In view of the above, petitioner has again failed to provide the required declaration executed on behalf of the non-signing inventors by an authorized representative of the 37 CFR 1.47(b) applicant and including all required information and statements. See MPEP section 409.03(b). Petitioner must provide a revised declaration properly executed by an authorized representative of Camtek on behalf of the non-signing inventors that includes all the information and statements required under 37 CFR 1.497, including the names and citizenship of the two non-signing inventors. Until such a declaration is submitted, the final element of a grantable petition under 37 CFR 1.47(b) remains unsatisfied.

CONCLUSION

The second renewed petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should be entitled "Third Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to complete the final element of a grantable petition, that is, an acceptable oath or declaration executed on behalf of the non-signing inventors by an authorized representative of the 37 CFR 1.47(b) applicant, as discussed above and in the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

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In re Application of:	:	
BEN-LEVY, Meir, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/064,364	:	PETITION UNDER
PCT No.: PCT/IL2006/000986	:	37 CFR 1.47(b)
International Filing Date: 24 August 2006	:	
Priority Date: 26 August 2005	:	
Attorney Docket No.: 1527-Camtek-US	:	
For: DEVICE AND METHOD FOR	:	
INSPECTING AN OBJECT	:	

This decision is issued in response to the "Third Renewed Petition Under 37 CFR 1.47(b)" filed on 11 July 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed on 18 August 2009, 29 September 2009, 27 January 2011, and 11 May 2011.

The 11 May 2011 decision dismissed without prejudice the second renewed petition under 37 CFR 1.47(b), finding that petitioner had failed to satisfy all the requirements of a grantable petition. Specifically, petitioner had not provided an acceptable oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of the non-signing inventors.

On 11 July 2011, petitioner filed the third renewed petition considered herein.

DISCUSSION

The previous decisions indicated that the declaration filed herein that was executed on behalf of the non-signing inventors by an officer of 37 CFR 1.47(b) applicant Camtek, Ltd. ("Camtek") was not acceptable because it did not include the citizenship of the non-signing inventors, and that the supplemental statement identifying the inventors' citizenship that was filed on 27 April 2011 was not acceptable because it was not executed in compliance with 37 CFR 1.68.

The present submission includes a document entitled "Declaration Of Mr. Michael Lev In Support To A Third Renewed Petition Under 37 CFR 1.47(B)" that is executed by Michael Lev (the same officer of Camtek who executed the previous declaration). This declaration is

executed in compliance with 37 CFR 1.68, and it sets forth the citizenship of the two non-signing inventors. This declaration, in combination with the previously submitted declaration, may be accepted in satisfaction of the declaration requirement of a grantable petition under 37 CFR 1.47(b).

Based on the above, petitioner has now satisfied the final outstanding requirement of a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application is accepted without the signatures of non-signing inventors Meir BEN-LEVY and Ophir PELEG.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventors of the application will be forwarded to the addresses of the non-signing inventors, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 July 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Meir BEN-LEVY
7 Tzivoni St.
Haifa 34651 ISRAEL

In re Application of: BEN-LEVY, Meir, et al.
U.S. Application No.: 12/064,364
PCT No.: PCT/IL2006/000986
International Filing Date: 24 August 2006
Priority Date: 26 August 2005
Attorney Docket No.: 1527-Camtek-US
For: DEVICE AND METHOD FOR INSPECTING AN OBJECT

Dear Mr. BEN-LEVY:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
Oren Reches
RECHES PATENTS
211 NORTH UNION ST.
SUITE 100
ALEXANDRIA, VA 22314



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Ophir PELEG
Moshav Amirim
20115 ISRAEL

In re Application of: BEN-LEVY, Meir, et al.
U.S. Application No.: 12/064,364
PCT No.: PCT/IL2006/000986
International Filing Date: 24 August 2006
Priority Date: 26 August 2005
Attorney Docket No.: 1527-Camtek-US
For: DEVICE AND METHOD FOR INSPECTING AN OBJECT

Dear Mr. PELEG:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
Oren Reches
RECHES PATENTS
211 NORTH UNION ST.
SUITE 100
ALEXANDRIA, VA 22314



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

69054
RECHES PATENTS
211 North Union Street, Suite 100
Alexandria, VA 22314

MAILED

MAR 04 2011

PCT LEGAL ADMINISTRATION

In re Application of
POSTOLOV *et al*
U.S. Application No.: 12/064,365
PCT No.: PCT/IL2006/001006
Int. Filing Date: 30 August 2009
Priority Date: 01 September 2008
Docket No.: P-71584-US
For: A METHOD AND A SYSTEM FOR
CREATING A REFERENCE IMAGE
USING UNKNOWN QUALITY
PATTERNS

**DECISION ON
PETITION UNDER
37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 24 June 2008 is hereby
GRANTED as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) and a \$65.00 surcharge fee was submitted on 31 December 2008.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date: 12/29/11

Patent No. : 8057199 B2
Ser. No. : 12/064,402
Inventor(s) : Li, et al.
Issued : November 15, 2011
Title : CENTRIFUGAL DRAINAGE PUMP WITH SHOCK ABSORBING
COUPLING ARRANGMENT
Docket No. : 1782.002

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

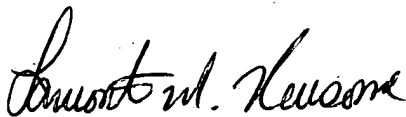
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703)756-1580

BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE WI 53203

LMN



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BOYLE FREDRICKSON SC
840 NORTH PLANKINTON AVENUE
MILWAUKEE WI 53203

MAILED

FEB 07 2012

OFFICE OF PETITIONS

In re Patent No. 8,057,199	:	
Issue Date: November 15, 2011	:	
Application No. 12/064,402	:	
Filed: February 21, 2008	:	DECISION ON PETITION
Attorney Docket No. 1782.002	:	

This is a decision on the "REQUEST TO CORRECT ASSIGNEE", filed January 11, 2012.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);
- (B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;
- (C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

¹ See 37 CFR 3.81.

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).²

The \$130 processing fee for the instant petition has been charged to Deposit Account No. 50-1170, as authorized. The \$100 fee for the Certificate of Correction was previously paid on December 14, 2011.

The application is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

² MPEP 307.



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**THE DOW CHEMICAL COMPANY
P.O. BOX 1967
2040 DOW CENTER
MIDLAND MI 48641**

MAILED

OCT 07 2011

In re Application of	:	OFFICE OF PETITIONS
Garces et al.	:	
Application No. 12/064,524	:	DECISION ON PETITION
Filed: February 22, 2008	:	
Attorney Docket No. 63805A	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed March 2, 2011, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 5, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Restriction Requirement, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1715 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/064,530	05/20/2008	Hiroyuki Moriuchi	CQ10406	1654

23373	7590	04/13/2011
SUGHRUE MION, PLLC		
2100 PENNSYLVANIA AVENUE, N.W.		
SUITE 800		
WASHINGTON, DC 20037		

EXAMINER	
EVANS, GEOFFREY S	

ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
04/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM



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Paper No. 20110412

SUGHRUE MION
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037

In re Application of: H. Moriuchi et al.)	
Application No. 12/064,530)	
Filed: February 22, 2008)	
For: MICROCONTACT, METHOD FOR)	DECISION ON PETITION UNDER 37
PRODUCING THE SAME AND)	C.F.R. § 1.84(a)(2) TO ACCEPT
ELECTRONIC COMPONENT)	COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed MARCH 6, 2009, requesting acceptance of color drawings. The petition requests that all the drawings, which are in color, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by an explanation of why the color drawings are necessary, a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without an explanation why the color drawings are necessary. Applicant's submission does not meet all the criteria set out above. Accordingly, the petition is **DENIED**.

Tu Hoang
S.P.E.
Technology Center 3700
Mechanical Engineering,
Manufacturing, Products
(571) 272-4856



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LLNS/Foley & Lardner
Lawrence Livermore National
Security, LLC
C/O Foley & Lardner LLP
975 Page Mill Road
Palo Alto CA 94304-1013

MAILED

SEP 13 2011

OFFICE OF PETITIONS

In re Application of :
BAKAJIN et al. : APPLICATION FOR PATENT
Application No. 12/064,604 : TERM ADJUSTMENT
Filed: April 16, 2008 :
Atty. Docket No. 093866-1538 :

This is a decision on the "PETITION FOR PATENT TERM ADJUSTMENT UNDER 35 U.S.C. §154(b)(3)(B) and 37 CFR 1705(b)" filed August 24, 2011. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from three hundred seventy-eight (378) days to six hundred twelve (612) days.

The application for patent term adjustment is **DISMISSED**.

On May 25, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 378 days. On August 24, 2011, applicants timely submitted the present application for patent term adjustment.¹

Applicants assert:

[T]he U.S. Patent and Trademark Office issued a Notice of Allowance on May 25, 2011. Applicants have calculated 234 days beyond four months the first three years of pendency

¹ PALM records indicate that the issue fee payment was received on August 24, 2011.

of the application. Based on the facts identified above, Applicants advise that this application is entitled to 612 days of patent term adjustment.

Petition, p. 2.

The Office has considered applicant's argument but finds it without merit.

Pursuant to 37 CFR 1.702(a)(2):

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

On March 8, 2011, applicants submitted a reply to a non-final Office action mailed December 8, 2010. On May 25, 2011, the Office responded to the reply filed March 8, 2011, by mailing a notice of allowance. As the notice of allowance was mailed within four months of the filing date of the reply, no period of adjustment for Office delay was entered. A review of the record confirms that a period of adjustment of 234 days for Office delay is not warranted.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance remains 378 days.

To the extent that the present request for reconsideration of the patent term adjustment relates to any failure by the Office to issue a patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The

computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.²

² For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MASCHOFF, GILMORE & ISRAELSEN
1441 W. UTE BLVD.
SUITE 100
PARK CITY, UT 84098-7633

MAILED
AUG 19 2011
OFFICE OF PETITIONS

In re Application of :
Young Hoon Lee :
Application No. 12/064,795 : DECISION GRANTING PETITION
Filed: February 25, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney No. K1069.10012US01 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed August 18, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. R. Burns Israelsen appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Israelsen desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. All future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 25, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

This application is being referred to Technology Center AU 2871 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Application of
Barry Sim Hochfield
Application No. 12/064,848
Filed: August 11, 2008
Attorney Docket: 136024-1004

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

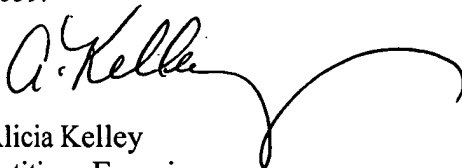
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 30, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Foley and Lardner LLP were revoked as power of attorney by the assignee of the patent application on August 6, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/13/11

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction for Appl. No.: 12064854 Patent No.: 8005433

CofC mailroom date: 12/07/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes be made?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Nay Maung/

2618

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/064,909	02/26/2008	Stefan Woestmann	07-140	4008
24124	7590	12/29/2010		
BOHAN MATHERS PO BOX 17707 PORTLAND, ME 04112-8707			EXAMINER KURTZ, BENJAMIN M	
			ART UNIT 1772	PAPER NUMBER
			NOTIFICATION DATE 12/29/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PMM@BOHANMATHERS.COM
peter@bohanmathers.com



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mailed: 12/29/10
In re application of
Woestmann
Serial No. 12/064,909
Filed: 02/26/2008
For: DEVICE FOR FILTERING A LIQUID
SYNTHETIC MATERIAL

wk

DECISION ON
PETITION

This is a decision on a PETITION filed September 8, 2010, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center 1700 for consideration.

DECISION

Petitioner requests that a document filed February 26, 2008 be expunged. The document was an internal publication.

The petition is **GRANTED**.

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

12/064,909

The images will be removed from the Official file.

/Yvonne L. Eyler/

Yvonne L. Eyler, Director
Technology Center 1700
Chemical and Materials Engineering

Patricia M. Mathers
BOHAN MATHERS
PO BOX 17707
PORTLAND ME 04112-8707



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED
JUN 17 2011
OFFICE OF PETITIONS

In re Application of
HORITA, et al
Application No. 12/064,960
Filed: October 27, 2008
Attorney Docket No. 595622000700

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:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael R. Ward behalf of the attorneys of record associated with Customer No. 20872.

The attorneys of record associated with Customer No. 20872 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address copied below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: PHYLLLOM LLC
922 SAN LEANDRO AVENUE, SUITE C
MOUNTAIN VIEW CA 94043



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/064,960	10/27/2008	Mitsugu Horita	595622000700

CONFIRMATION NO. 4642

POWER OF ATTORNEY NOTICE



OC000000048245267

Date Mailed: 06/16/2011

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/05/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : January 11, 2011

TO SPE OF : ART UNIT 3716

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/065041 Patent No.: 8016654

CofC mailroom date: 12-29-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Magdalene Talley
Certificates of Correction Branch
571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


SPE

3716
Art Unit



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DLA PIPER US LLP
1999 AVENUE OF THE STARS
SUITE 400
LOS ANGELES, CA 90067-6023

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Application of :
Mitsuharu Senda et al :
Application No. 12/065,082 :
Filed: February 27, 2008 :
Attorney Docket No. WIRELESS :
COMMUNICATION SYSTEM, WIRELESS :
COMMUNICATION APPARATUS, :
AMPLIFICATION FACTOR DETERMINATION :
METHOD, AND STORAGE MEDIUM :

ON PETITION

This is a decision on the petition, filed February 10, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 1, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
KIMURA, et al.	:	
Application No.: 12/065,167	:	DECISION ON PETITION
PCT No.: PCT/JP2006/317256	:	
Int. Filing Date: 31 August 2006	:	UNDER 37 CFR 1.181
Priority Date: 01 September 2005	:	
Atty docket no.: 3222978US0PCT	:	
For: METHOD FOR PRODUCING POLYESTER	:	

This is a decision on applicant's request for corrected notice of acceptance and official filing receipt filed 09 May 2008 and in the United States Patent and Trademark Office (USPTO). The filing is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 28 February 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English language translation of the international application and an Application Data Sheet.

On 03 March 2008, applicant filed an executed declaration of the inventors.

On 25 April 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 28 February 2008.

On 09 May 2008, applicant filed the present petition claiming that the 371 requirements were satisfied on 03 March 2008.

DISCUSSION

A review of the application file finds that applicant's declaration of the inventors was filed on 03 March 2010. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application will be given an international filing date of 31 August 2006 under 35 U.S.C. 363 and a date of **03 March 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 25 April 2008 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Hiroaki Okada, et al.	:	
Application No. 12/065,255	:	DECISION ON PETITION
Filed: September 2, 2009	:	
Attorney Docket No. 081356-0296	:	

This is a decision on the petition under 37 CFR 1.182, filed, July 28, 2011, to change the name of inventor “Yuki Takashima” to – Yuki Miyamoto --.

The petition is **DISMISSED.**

The request cannot be granted because the application data sheet provided is unsigned.

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

As authorized the \$400 fee for the petition under 37 CFR 1.182 has been charged to petitioner's credit card.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to April M. Wise at (571) 272-1642.
All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of
Hiroaki Okada, et al.
Application No. 12/065,255
Filed: September 2, 2009
Attorney Docket No. 081356-0296

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182, filed, September 2, 2011, to change the name of inventor "Yuki Takashima" to – Yuki Miyamoto --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to April M. Wise at (571) 272-1642. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1635 to await action on the merits by the Examiner.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/065,255	09/02/2009	1635	1690	081356-0296	16	1

CONFIRMATION NO. 7741

CORRECTED FILING RECEIPT



OC000000049820641

22428

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 09/14/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Hiroaki Okada, Tokyo, JAPAN;
Yuki Miyamoto, Tokyo, JAPAN;
Naoyuki Murata, Tokyo, JAPAN;

Assignment For Published Patent Application

TAKEDA PHARMACEUTICAL COMPANY LIMITED, Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 22428

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP2006/304089 03/03/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)
JAPAN 2005-254966 09/02/2005

If Required, Foreign Filing License Granted: 08/29/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/065,255**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SUSTAINED-RELEASE MICROSPHERE CONTAINING SHORT CHAIN DEOXYRIBONUCLEIC ACID OR SHORT CHAIN RIBONUCLEIC ACID AND METHOD OF PRODUCING THE SAME

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,260	04/29/2009	Makoto Saitou	89337.0014	7807
73230	7590	12/06/2010		
DLA PIPER US LLP 1999 AVENUE OF THE STARS SUITE 400 LOS ANGELES, CA 90067-6023			EXAMINER DOTE, JANIS L	
			ART UNIT 1721	PAPER NUMBER
			MAIL DATE 12/06/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

CST

December 6, 2010

In re application of	:	DECISION ON REQUEST TO
Makoto Saitou	:	PARTICIPATE IN PATENT
Serial No. 12/065,260	:	PROSECUTION HIGHWAY
Filed: April 29, 2009	:	PROGRAM AND
For: IMAGE FORMING APPARATUS	:	PETITION TO MAKE SPECIAL
AND IMAGE FORMING METHOD	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed September 30, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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FISH & RICHARDSON P.C. (DC)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Hyeon O. Oh et al :
Application No. 12/065,270 : DECISION GRANTING PETITION
Filed: February 28, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 24622-0097US1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 11, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 5, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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FISH & RICHARDSON PC (DC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Oh, et al.	:	
Application No. 12/065,270	:	DECISION REGARDING
Filed: February 28, 2008	:	PATENT TERM ADJUSTMENT
Atty Docket No. 24622-0097US1	:	

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed January 5, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred seventy-nine (279) days to two hundred eighty (280) days.

The application for patent term adjustment is **DISMISSED AS PREMATURE**.

On October 5, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 279 days. On January 5, 2010, applicants timely¹ submitted the instant application for patent term adjustment.

However, prior to a decision on the application for patent term adjustment being rendered, on March 11, 2011, applicants filed a petition to withdraw from issue along with a request for continued examination (RCE). By decision mailed March 14, 2011, the withdrawal from issue was granted. Prosecution was reopened.

A new determination of patent term adjustment will accompany any new Notice of Allowance and will include any further adjustments or reductions accrued to date. Applicant must submit a timely application for patent term adjustment in response to any new Notice of Allowance. An application for patent term adjustment under 37 CFR 1.705(b) is properly filed after the mailing of the Notice of Allowance on which the application issues and prior to payment of the issue fee (or a request for reapplication of the issue fee) in response to that Notice. A copy of this decision should accompany the application for patent term adjustment, along with a request to apply the fee set forth in 37 CFR 1.18(e) paid on January 5, 2010.

¹ PALM records indicate that the Issue Fee payment was received in the Office on January 5, 2011.

Technology Center AU 2626 has been advised of this decision. The application is, thereby, forwarded to the Technology Center for consideration of the RCE by the examiner.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Anthony Knight
Director
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 30, 2011

TO SPE OF : ART UNIT 2877

SUBJECT : Request for Certificate of Correction for Appl. No.: 12065275 Patent No.: 7911624

CofC mailroom date: June 15,
2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

XX Approved

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: The addition of the kind code for the WIPO document is OK.

/Gregory J Toatley Jr/

2877

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478**

**MAILED
APR 21 2011
OFFICE OF PETITIONS**

In re Application of :
Eric Lavrut et al. :
Application No. 12/065,308 : **DECISION ON PETITION**
Filed: September 2, 2008 :
Attorney Docket No. 21.1376 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, July 21, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 22, 2010. A Notice of Abandonment was mailed on February 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3676 for appropriate action by the Examiner in the normal course of business on the reply received January 31, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON DC 20005

MAILED
OCT 04 2011
OFFICE OF PETITIONS

In re Application of
CHEONG, et al
Application No. 12/065,319
Filed: February 28, 2008
Attorney Docket No. 1571.1007

DECISION
ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 20, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability Due, mailed June 1, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 2, 2011. A Notice of Abandonment was mailed September 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The replacement drawings will be forwarded to the appropriate office for approval.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for processing into a patent.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

4-4-2012



UNITED STATES DEPARTMENT OF
COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND
TRADEMARKS
Washington, D.C. 20231

Patent No. : 7,915,355 B2
Application No.: 12/065,358
Issued : March 29, 2011
Inventor : Matthias Weismantel, et. al.

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction, for the above-identified patent under the provision of Rule 1.322 or R 1.323.

Respecting the alleged error, on the title page item (62), is an editing change made in accordance with the style of the Invention Patent Manual. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 or 255 the Code of Federal Regulation (C.F.R.) R 1.322 or R 1.323.

In view of the foregoing, the change will read as followings:
10 2005 042 608.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period.

A certificat will issue to correct the remaining error noted in your request.

Eva James
For Mary Diggs
Certificates of Correction Branch
571-272-3422 or 703-756-1580

James J. Napoli
Marshall, Gerstein & Borun LLP
233 S. Wasker Drive
6300 Willis tower
Chicago, Illinois 60606-6357

ej



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,438	07/02/2009	Masaaki Nagase	SUGI0181	9391
<div>24203 7590 03/09/2011</div> <div>GRIFFIN & SZIPL, PC</div> <div>SUITE PH-1</div> <div>2300 NINTH STREET, SOUTH</div> <div>ARLINGTON, VA 22204</div>				
			EXAMINER	
			TSAI, CAROL S W	
			ART UNIT	PAPER NUMBER
			2857	
			MAIL DATE	DELIVERY MODE
			03/09/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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JOERG-UWE SZIPL
GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON, VA 22204

In re Application of:
Masaaki Nagase et al.
Serial No: 12/065,438
Filed: July 2, 2009

Title: METHOD FOR DETECTING ABNORMALITY
IN FLUID SUPPLY LINE USING FLUID
CONTROL APPARATUS WITH PRESSURE
SENSOR


DECISION ON PETITION
TO WITHDRAW OBJECTIONS
TO THE FIGURES

This is a decision on the petition, under 37 C.F.R. § 1.181, filed on January 24, 2011, requesting review and withdrawal of the objections to the figures of the application first made in the Office action of September 30, 2010 and repeated in the Notice of Allowability of January 5, 2011 in the above-identified application.

The petition to withdraw the objections to the figures is GRANTED.

Petitioner asserts that the objection to the drawings is improper because "the drawings are already in full compliance with 37 C.F.R. §1.83(a) and MPEP §608.02(d), and that the drawing changes required by the Examiner are unwarranted, would detract from the clarity of the drawings, and would be an undue burden on the Applicants." The Petitioner is persuasive that the present drawings meet the requirements of 37 C.F.R. §1.83(a) and MPEP §608.02(d). The objections to the figures are therefore withdrawn.

Any inquiry regarding this decision should be directed to Andrew Schechter, Supervisory Patent Examiner, at (571) 272-2302.


John W. Cabeca, TC Director
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007**

MAILED

AUG 01 2011

OFFICE OF PETITIONS

Patent No. 7,943,718 :
Issue Date: May 17, 2011 :
Application No. 12/065,457 :
Filed: February 29, 2008 :
Attorney Docket No. 023971-0709 :

ON PETITION

This is a decision on the petition filed July 6, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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51184
MOETTELI & ASSOCIATES SARL
ST. LEONHARDSTRASSE 4
St. Gallen CH-90-00 CH
Switzerland

MAILED

OCT 13 2010

PCT LEGAL ADMINISTRATION

In re Application of
WUST, Ernst
U.S. Application No.: 12/065,515
PCT No.: PCT/CH2005/000124
Int. Filing Date: 03 March 2005
Priority Date: 03 March 2004
Docket No.: PUS-A007-001
For: FOOD TREATING DEVICE

DECISION

Applicants' request for refund filed on 26 July 2010 is hereby **GRANTED** as follows:

The Form PCT/DO/EO/905 mailed 27 May 2010 indicated that the text in the drawings submitted on 03 March 2008 was not properly translated. New drawings and a \$130.00 processing fee was required. Applicant submitted new drawings (under protest) and requested a refund of the \$130.00 processing fee on 26 July 2010.

A review of the application shows that on the bottom of each of the drawings was stamped "ERSATZBLATT (REGEL 26)" which means "SUBSTITUTE SHEET (RULE 26)." No other foreign text is on the drawings.

The Form PCT/DO/EO/905 mailed 27 May 2010 should not have been mailed. The foreign text was stamped on the drawings by the receiving Office.

Accordingly, the Form PCT/DO/EO/905 mailed 27 May 2010 is hereby **VACATED**.

In addition, the Form PCT/DO/EO/903 and filing receipt mailed 26 August 2010 contain erroneous information on the date applicants completed the 35 U.S.C. 371(c) requirements. As such, these forms are also **VACATED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 03 March 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 03 March 2008.

This application is being forwarded to the DO/EO/US to mail a corrected Form

12/065,515

Page

2

PCT/DO/EO/903 and filing receipt.

A handwritten signature in cursive script that reads "James Thomson".

James Thomson

Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

MAILED

SEP 09 2011

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

In re Application of

Ishai ILani

Application No. 12/065,531

Filed: June 17, 2010

Attorney Docket No. P-8212-US

:
:
:
:
:
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 6, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Guy Yonay on behalf of all attorneys/agents associated with customer number 49443. All attorneys/agents associated with customer number 49443 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ishai Ilani
Dolev D.N.
Modiin, Israel 71935



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/065,531	06/17/2010	Ishai Ilani	P-8212-US

49443
Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

CONFIRMATION NO. 1617
POWER OF ATTORNEY NOTICE



Date Mailed: 09/09/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/06/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12065631	
Filing Date	06-Apr-2008	
First Named Inventor	Ronald Pearson	
Art Unit	3686	
Examiner Name	JOHN PAULS	
Attorney Docket Number	037211-0133	
Title	Methods and Systems for Evaluating Interaction of Medical Products and Dependence on Demographic Variables	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22428		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	SANOS CORPORATION	
Address	225 MARKET STREET SUITE 502	
City	HARRISBURG	
State	PA	
Postal Code	17101	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Stephen A. Bent/
Name	Stephen A. Bent
Registration Number	29768



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 28,2011

In re Application of :

Ronald Pearson

Application No : 12065631

Filed : 06-Apr-2008

Attorney Docket No : 037211-0133

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 28,2011

The request is **APPROVED**.

The request was signed by Stephen A. Bent (registration no. 29768) on behalf of all attorneys/agents associated with Customer Number 22428 . All attorneys/agents associated with Customer Number 22428 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name SANOS CORPORATION
Name2
Address 1 225 MARKET STREET SUITE 502
Address 2
City HARRISBURG
State PA
Postal Code 17101
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/065,662	Filing date:	July 25, 2008
First Named Inventor:	HEO, SOON YEONG		
Title of the Invention:	SILVER ORGANO-SOL INK FOR FORMING ELECTRICALLY CONDUCTIVE PATTERNS		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFSS_HELP.HTML			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/KR2005/004099

The international date of the corresponding PCT application(s) is/are: 02 DECEMBER 2005

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/065,662
First Named Inventor:	HEO, SOON YEONG

9

Is attached

2010-01-22 and 2010-10-28

☐

Has already been filed in the above-identified U.S. application on

☐

Are attached.

2010-01-22 and 2010-10-28

Have already been filed in the above-identified U.S. application on

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Elizabeth E. Kim/	Date August 29, 2010
Name (Print/Typed) Elizabeth E. Kim	Registration Number 43334

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference LBM-03	FOR FURTHER ACTION	See item 4 below
International application No. PCT/KR2005/004099	International filing date (<i>day/month/year</i>) 02 December 2005 (02.12.2005)	Priority date (<i>day/month/year</i>) 07 September 2005 (07.09.2005)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant IL DONG CHEMICAL CO., LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 11 March 2008 (11.03.2008)
Facsimile No. +41 22 338 82 70	Authorized officer Philippe Becamel e-mail: pt12.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: SHINSEGI PATENT LAW FIRM 4th Floor, Sangwon Bldg., 635-15 Yeoksam1-dong, gangnam-ku, Seoul 135-908 Republic of Korea
--

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 05 JUNE 2006 (05.06.2006)	
Applicant's or agent's file reference LBM-03	FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/KR2005/004099	International filing date (day/month/year) 02 DECEMBER 2005 (02.12.2005)
Priority date(day/month/year) 07 SEPTEMBER 2005 (07.09.2005)	
International Patent Classification (IPC) or both national classification and IPC G03G 9/08(2006.01)i	
Applicant IL DONG CHEMICAL CO., LTD. et al	

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
☐ Box No. II Priority
☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐ Box No. IV Lack of unity of invention
☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐ Box No. VI Certain documents cited
☐ Box No. VII Certain defects in the international application
☐ Box No. VIII Certain observations on the international application


2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Date of completion of this opinion 05 JUNE 2006 (05.06.2006)	Authorized officer LEE, Jin Yong Telephone No. 82-42-481-8397
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2005/004099

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/KR2005/004099

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-18	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents;

D1: JP 2004-39379 A

D2: JP 11-188965 A

The present invention relates to silver organo-sol ink, more specially solution type silver organo-sol ink for forming electrically conductive patterns comprising silver carboxylate defined as Formulas 1~1c in the claims and solvent dissolving said silver aromatic carboxylate. D1 relates to conductive paste capable of forming a conductive membrane excellent in conductivity, flexibility and an appearance, precluded from being impaired in flexibility even when formed into a thick membrane, and allowing curing at a low temperature; conductive membrane using said conductive paste; and a manufacturing method thereof. D2 relates to an ink jet recording method and a material therefor, wherein an image has a high density and has particularly a maximal transmission density of 3 or more and has less roughness.

Though the present invention is the same as D1 and D2 in using silver aromatic carboxylate for forming electrically conductive pattern, the present invention is different from D1 and D2 in that the kind and form of ingredients and the combination ratio of said ingredients are specified for getting the final product as a solution type. Thus the present invention is novel and inventive under PCT Article 33(2) & 33(3).

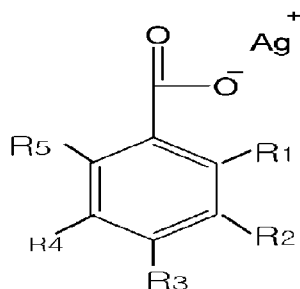
Claims 1-18 of the present invention are industrially applicable under PCT Article 33(4).

USSN 12/065,662
SHIN-003

**Copy of All Claims Which Were Indicated As Having Novelty, Inventive Step
and Industrial Applicability In Corresponding PCT Application**

Claims

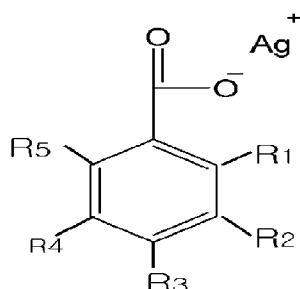
- [1] Silver organo-sol ink of solution type for forming electrically conductive pattern comprising effective amount of silver aromatic carboxylate defined as Formulas 1; and solvent dissolving said silver aromatic carboxylate
- Formulas 1



in which R_1 , R_2 , R_3 , R_4 and R_5 are respectively COO^-Ag^+ , H, OH or C1 to C9 alkyl.

- [2] Silver organo-sol ink of solution type according to claim 1, wherein said solvent consists of a reactive organic solvent which can form chelate or complex with silver and polar or nonpolar diluent solvent for control of viscosity.
- [3] Silver organo-sol ink of solution type according to claim 2, wherein said reactive organic solvent is a hydrocarbon having keton, mercapto, carboxyl, aniline or sulfurous functional group.
- [4] Silver organo-sol ink of solution type according to claim 3, wherein said nonpolar diluent solvent is an aliphatic or aromatic hydrocarbon and said polar diluent solvent is water or C1 to C12, saturated or unsaturated, mono to tri functional aliphatic alcohol.
- [5] Silver organo-sol ink of solution type according to claim 4, wherein said silver aromatic carboxylate is 5 to 70 wt% of the total silver organo-sol ink.
- [6] Silver organo-sol ink of solution type according to claim 5, wherein said silver aromatic carboxylate defined as Formulas 1a is 10 to 50 wt% of the total silver organo-sol ink, said reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C2 to C16 aliphatic thiol, is 10 to 60 wt% of the total silver organo-sol ink

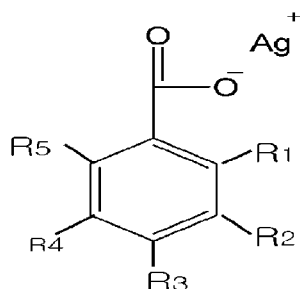
Formulas 1a



in which R_1 , R_2 , R_3 , R_4 and R_5 are respectively H, OH or C1 to C9 alkyl.

- [7] Silver organo-sol ink of solution type according to claim 6, wherein said silver aromatic carboxylate defined as Formulas 1a is silver benzoate.
- [8] Silver organo-sol ink of solution type according to claim 5, wherein said silver aromatic carboxylate defined as Formulas 1b is 10 to 50 wt% of the total silver organo-sol ink, said reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C2 to C16 aliphatic thiol, is 10 to 60 wt% of the total silver organo-sol ink

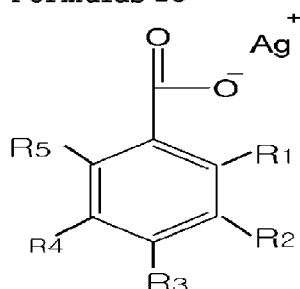
Formulas 1b



in which one among R_1 , R_2 , R_3 , R_4 and R_5 is COO^-Ag^+ and the others are respectively H, OH or C1 to C9 alkyl.

- [9] Silver organo-sol ink of solution type according to claim 8, wherein R_3 is COO^-Ag^+ and R_1 , R_2 , R_4 and R_5 are respectively H, OH or C1 to C9 alkyl.
- [10] Silver organo-sol ink of solution type according to claim 9, wherein said silver aromatic carboxylate defined as Formulas 1b is silver phthalate.
- [11] Silver organo-sol ink of solution type according to claim 5, wherein said silver aromatic carboxylate defined as Formulas 1b is 10 to 50 wt% of the total silver organo-sol ink, said reactive organic solvent selected from the group consisting of amine substituted by one or more C1 to C6 hydroxy alkyl and C2 to C16 aliphatic thiol, is 10 to 60 wt% of the total silver organo-sol ink

Formulas 1c



in which two or more among R_1 , R_2 , R_3 , R_4 and R_5 are COO^-Ag^+ , the others are respectively H, OH or C1 to C9 alkyl.

- [12] Silver organo-sol ink of solution type according to claim 11, wherein R_2 and R_4 are COO^-Ag^+ and R_1 , R_3 and R_5 are respectively H, OH or C1 to C9 alkyl.
- [13] Silver organo-sol ink of solution type according to claim 12, wherein said silver aromatic carboxylate defined as Formulas 1c is silver trimesate.
- [14] Silver organo-sol ink of solution type according to any one of claim 1 to claim 13, wherein said silver organo-sol ink is used for electrically conductive patterns by inkjet-printing.
- [15] Silver organo-sol ink of solution type according to claim 14, wherein said silver aromatic carboxylate is 20 to 40 wt% of the total silver organo-sol ink.
- [16] Silver organo-sol ink of solution type according to claim 15, wherein said reactive solvent is ethanolamine, diethanolamine or triethanolamine.
- [17] Silver organo-sol ink of solution type according to claim 16, wherein said nonpolar diluent solvent is an aliphatic or aromatic hydrocarbon or mixture thereof said polar diluent solvent is water or C1 to C12 saturated or unsaturated mono to tri functional aliphatic alcohol.
- [18] Silver organo-sol ink of solution type according to claim 17, wherein said nonpolar diluent solvent is benzene, toluene, xylene.



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24 SEP 2010

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McDermott Will & Emery
600 13th Street, NW
Washington DC 20005-3096

In re Application of
HEO et al.
Application No.: 12/065,662
PCT No.: PCT/KR2005/004099
Int. Filing Date: 12 December 2005
Priority Date: 07 September 2005
Attorney Docket No.: SHIN-003
For: SILVER ORGANO-SOL INK FOR
FORMING ELECTRICALLY
CONDUCTIVE PATTERNS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 31 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,662	07/25/2008	Soon Yeong Hco	081529-013 (SHNJ-003)	2324
23630	7590	10/28/2010	EXAMINER	
McDermott Will & Emery 600 13th Street, NW Washington, DC 20005-3096			ART UNIT	PAPER NUMBER
			1795	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mweipdocket@mwe.com



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BC

October 27, 2010

In re application of	:	DECISION ON REQUEST TO
Soon Yeong Heo et al.	:	PARTICIPATE IN PATENT
Serial No. 12/065,662	:	PROSECUTION HIGHWAY
Filed: March 04, 2008	:	PROGRAM AND
For: SILVER ORGANO-SOL INK FOR	:	PETITION TO MAKE SPECIAL
FORMING ELECTRONICALLY CONDUCTIVE :	:	UNDER 37 CFR 1.102(a)
PATTERNS	:	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed August 29, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 12/065,662

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing pre-examination processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,797	03/05/2008	Feng Xu	11815.0001	3834
22852 7590 10/24/2011 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER CHEN, TSE W	
			ART UNIT 3777	PAPER NUMBER
			MAIL DATE 10/24/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	:	
<u>XU, FENG</u> , et al	:	DECISION ON REQUEST TO
Application No. 12/065,797	:	PARTICIPATE IN PATENT
Filed: March 05, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 11815.0001	:	PROGRAM AND PETITION
For: FINGERTIP OXIMETER AND A METHOD	:	TO MAKE SPECIAL UNDER
FOR OBSERVING A MEASUREMENT	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 17, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Robert Chen, SPE of Art Unit 3777, and 571-272-3672 for Class 600 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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10 SEP 2010

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HOUSTON ELISEEVA LLP
4 MILITIA DRIVE, SUITE 4
LEXINGTON MA 02421

In re Application of WEISSBACH et al. :
Application No.: 12/065,830 :
PCT No.: PCT/EP06/08921 : DECISION ON
Int. Filing: 13 September 2006 :
Priority Date: 14 September 2005 : PETITION
Attorney Docket No.: 4085 :
For: FLIP-CHIP MODULE AND METHOD FOR : UNDER 37 CFR 1.47(a) and 1.137(b)
THE PRODUCTION THEREOF :

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a) and petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office on 16 November 2009.

BACKGROUND

On 30 June 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 16 December 2008, applicant filed a response to the 905 along with a declaration signed by one of the two inventors identified in the published PCT international application. Applicant also filed a petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requested the acceptance of the application without the signature of inventor Jurgen Ertl, alleging that the inventor refuses to sign the application.

On 07 May 2009, a decision dismissing the petition was mailed indicating that applicant had failed to satisfy the requirements of 37 CFR 1.47(a).

On 16 November 2009, applicant submitted a renewed petition under 37 CFR 1.47(a) along with a petition to revive under 37 CFR 1.137(b).

DISCUSSION

Petition under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 16 November 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the proper reply, the renewed petition under 37 CFR 1.47(a), has been submitted. The required petition fee of \$810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Petition under 37 CFR 1.47(a)

As previously stated, a petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (3) and (4).

With respect to Item (2), Petitioner submitted the 11 November 2009 declaration of Bernhard Ganahl detailing the efforts made to obtain the signature of the nonsigning inventor. Accompanying the declaration is a letter (Ex. I) sent to the nonsigning inventor via registered mail and dated 18 November 2008. The letter indicates that correspondence was sent to the respective nonsigning inventor, including a complete copy of the international application papers and the declaration. Petitioner indicates that this correspondence was sent to the nonsigning inventor without reply from the inventor. Petitioner now provides the English translation of the postal receipt (Exhibit N) to prove that the correspondence was indeed presented to the nonsigning inventor and that by his conduct, he refuses to sign the application papers. Thus, it is now clear that a copy of the application papers, including a declaration, was delivered to the nonsigning inventor and that he refuses to sign them. *See* MPEP 409.03(d). Item (2) is satisfied.

Item (2) above is now satisfied. Thus, Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED. The petition under 37 CFR 1.47(a) is GRANTED.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 16 December 2008. The application has an international filing date of 13 September 2006 under 35 U.S.C. 363, and a date of 16 December 2008 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 272-0459



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10 SEP 2010

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Jürgen Ertl
Alleebuchelweg 4C
82538 Geretsried
GERMANY

In re Application of WEISSBACH et al.
Application No.: 12/065,830
PCT No.: PCT/EP06/08921
Int. Filing: 13 September 2006
Priority Date: 14 September 2005
Attorney Docket No.: 4085
For: FLIP-CHIP MODULE AND METHOD FOR
THE PRODUCTION THEREOF

Dear Mr. Ertl:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

HOUSTON ELISEEVA LLP
4 MILITIA DRIVE, SUITE 4
LEXINGTON MA 02421



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,877	03/05/2008	Yasuhiro Nojima	17282/007001	4468
22511	7590	11/21/2011	EXAMINER	
OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			CARLSON, KAREN C	
			ART UNIT	PAPER NUMBER
			1656	
			NOTIFICATION DATE	DELIVERY MODE
			11/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com



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NOV 21 2011

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: :
Nojima et al. : PETITION DECISION
Serial No.: 12/065,877 :
Filed: March 5, 2008 :
Attorney Docket No.: 17282/007001 :

This is in response to the petition under 37 CFR § 1.181, filed October 19, 2011, requesting that the final Office action of February 22, 2011 be withdrawn.

Applicants' arguments have been accorded careful consideration but they are not persuasive for the following reasons. The petition was untimely and therefore the merits of such won't be considered. Applicant should note that 37 CFR 1.181(f) indicates that any petition not filed within two months of the mailing date of the action from which relief is requested may be dismissed as untimely, that action being the final rejection of February 22, 2011. If the applicant wants consideration after the two months they should file a petition, and corresponding petition fee for such, under 37 CFR 1.183 and ask for a suspension of the Rule 181 and ask that consideration be made later than the 2 months. Furthermore, the petition is untimely since it was filed after the Notice of Appeal of August 22, 2011.

Accordingly, the petition filed under 37 CFR 1.181 is **DISMISSED** as untimely.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George Elliott
Director, Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,877	03/05/2008	Yasuhiro Nojima	17282/007001	4468
22511	7590	12/28/2011	EXAMINER	
OSHA LIANG L.L.P.			CARLSON, KAREN C	
TWO HOUSTON CENTER			ART UNIT	
909 FANNIN, SUITE 3500			PAPER NUMBER	
HOUSTON, TX 77010			1656	
			NOTIFICATION DATE	DELIVERY MODE
			12/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com



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DEC 28 2011

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 7701

In re Application of: :
Nojima et al. :
Serial No.: 12/065,877 : PETITION DECISION
Filed: March 5, 2008 :
Attorney Docket No.: 17282/007001 :

This is in response to the renewed petition under 37 CFR § 1.181, filed December 12, 2011, requesting that the final Office action of February 22, 2011 be withdrawn.

BACKGROUND

Relevant parts of the prosecution history are summarized below.

The examiner mailed a final Office action on September 22, 2010.

On November 22, 2010, applicants submitted an amendment after final including claim amendments to the claims.

On December 2, 2010, the examiner mailed to applicants an advisory action indicating that the after final amendment would not be entered because new issues were raised and issues of new matter were raised.

On December 21, 2010, applicants filed a Request for Continued Examination (RCE) along with the appropriate fees. In this RCE, applicants specifically fulfilled the requirements of 37 C.F.R. § 1.114 (submission) and said submission, containing claim amendments, was to be considered for examination.

The examiner mailed a final Office action on February 22, 2011.

On July 22, 2011, applicants submitted an amendment after final including claim amendments to the claims.

On August 8, 2011, the examiner mailed to applicants an advisory action indicating that the after final amendment would not be entered because new issues were raised, issues of new matter were raised and the amendments were not deemed to place the application in better form for purposes of appeal.

On August 16, 2011, applicants submitted a reply to the Advisory Action of August 8, 2011.

On August 22, 2011, applicants submitted a Notice of Appeal.

On September 12, 2011, the examiner mailed to applicants an advisory action indicating that the after final amendment of July 22, 2011 would be entered for purposes of Appeal.

In response thereto, applicants filed a petition on October 19, 2011 under 37 CFR § 1.181, requesting that the finality of the Office action of February 22, 2011 be withdrawn.

On November 21, 2011, a petition decision was rendered dismissing the petition as untimely.

In response thereto, applicants filed the instant renewed petition on December 12, 2011 requesting reconsideration of the decision of November 21, 2011.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed on September 24, 2009, applicants argue that "The claims have been substantially amended in the response submitted with the RCE on December 21, 2010. The Examiner also admits, "Applicant's amendment necessitated the new ground(s) of rejection." (Office Action of Feb. 22, 2011, p. 6). Therefore, this office action cannot be made final. The response filed with the RCE was first presented in a response to the final office action filed on November 22, 2011. In response to that filing, the Examiner issued an Advisory Action on December 2, 2010, indicating that the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because: (a) The raise new issues that would require further consideration and/or search; and (b) They raise the issue of new matter."

Applicants' further cite M.P.E.P. 706.07(b) :

However, it would not be proper to make final a first Office action in a continuing or substitute application or an RCE where that application contains material which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that required further consideration and/or search, or (B) the issue of new matter was raised.

Finally, applicants' argue "It is clear that the Examiner cannot make the first action final after an RCE if either of the conditions is met. In this particular case, the Examiner indicated that both conditions were met. (Advisory Action, December 2, 2010). Therefore, the first office action after the filing of the RCE cannot be a final office action."

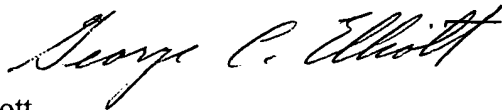
Applicants' points are well-taken and found persuasive upon reconsideration. It is noted that the claims were substantially amended in the response submitted with the RCE on December 21, 2010. Thus, it is decided that the final Office action mailed on February 22, 2011 is premature and in error because the claims are not drawn to the same invention and a new ground of rejection has been applied. The finality of said rejection is hereby WITHDRAWN in favor of applicant.

DECISION

The petition is **GRANTED**.

The Office action mailed July 12, 2011 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. The after final amendment of September 20, 2011 will also be considered by the examiner. This application will be forwarded to the examiner to take an action consistent with the decision herein.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.



George Elliott
Director, Technology Center 1600



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Paper No.

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED

SEP 2 0 2010

OFFICE OF PETITIONS

In re Application of	:	
Thomas P. Iversen	:	DECISION ON APPLICATION
Application No. 12/065,881	:	FOR
Filed: March 5, 2008	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
30120/43614	:	

This letter is in response to the PETITION UNDER 37 C.F.R. § 1.705(B) - APPLICATION FOR PATENT TERM ADJUSTMENT filed on May 25, 2010. Applicants request that the initial determination of patent term adjustment be reduced by 88 days from 146 days to 58 days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the revised Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is fifty-eight (58) days. A copy of the updated PAIR screen, showing the revised determination, is enclosed.

On April 2, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 USC 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is one hundred forty-six (146) days (146 days of Office delay reduced by 0 days of applicant delay).

On May 25, 2010, applicants timely submitted the instant application for patent term adjustment.¹

¹ PALM records show that the Issue Fee was received on May 25, 2010.

Applicants request reconsideration of the patent term adjustment in connection with the reply filed on March 26, 2010, in response to the non-final Office action mailed on September 28, 2009. Specifically, applicants state that a reduction of 88 days for applicant delay is warranted.

37 CFR 1.704(b) states that:

With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

On September 28, 2009, a non-final Office action was mailed. On March 26, 2010, three months and 88 days after the day after the date the Office action was mailed, a reply was filed. Accordingly, pursuant to 37 CFR 1.704(b), a period of reduction of 88 days for applicant delay is warranted.

In view thereof, the revised determination of PTA at the time of the mailing of the Notice of Allowance is **fifty-eight (58)** days (146 days of PTO delay, reduced by 88 days of Applicant delay).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Douglas I. Wood, Senior Petitions Attorney, at (571) 272-3231.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the typed name.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation



Patent Term Adjustments



PTA/PTE Information **Patent Term Adjustment** Patent Term Extension

Application Number*: 12065881 Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12065881

Application Filing Date: 03/05/2008	Overlapping Days Between (A and B) or (A and C): 0
Issue Date of Patent:	Non-Overlapping USPTO Delays: 146
A Delays: 146	PTO Manual Adjustment: -88
B Delays: 0	Applicant Delay (APPL): 0
C Delays: 0	Total PTA (days): 58

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
50	09/20/2010		P028	Adjustment of PTA Calculation by PTO	88	0	
34	04/02/2010		HN/EO	Hail Notice of Allowance		0	
33	03/30/2010		IREV	Issue/Revision Completed		0	
32	03/30/2010		DVER	Document Verification		0	
31	03/30/2010		N/S	Notice of Allowance Data Verification Completed		0	
30	03/27/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
29	03/27/2010		CNTA	Notice of Allowability		0	
22	09/28/2009	05/05/2009	MCTNF	Mail Non-Final Rejection	146	8	
21	09/27/2009		CTNF	Non-Final Rejection		0	
24	05/04/2009		RCAP	Reference capture on IDS		0	
23	05/04/2009		M844	Information Disclosure Statement (IDS) Filed		0	
19	05/04/2009		IDSC	Information Disclosure Statement considered		0	
10	05/04/2009		WIDS	Information Disclosure Statement (IDS) Filed		0	
17	02/05/2009		DOCK	Case Docketed to Examiner in GAU		0	
16	12/01/2008		TSSCOMP	IFW/TSS Processing by Tech Center Complete		0	
11	11/06/2008		PG ISSUE	PG Pub Issue Notification		0	
10	08/06/2008		OIPE	Application Dispatched from OIPE		0	
9	07/31/2008		FLRCPT-C	Filing Receipt Corrected		0	
6	07/22/2008		FLRCPT-O	Filing Receipt		0	
5	07/22/2008		M903	Notice of OO/EO Acceptance Mailed		0	
7	07/21/2008		PGPC	Sent to Classification Contractor		0	
4	03/08/2008		L194	Cleared by OIPE/CSR		0	
3	03/08/2008		SCAN	IFW/Scan @ PACR Auto Security Review		0	
20	03/05/2008		IDSC	Information Disclosure Statement considered		0	
15	03/05/2008		RQPR	Request for Foreign Priority (Priority Papers May be Included)		0	
14	03/05/2008		RCAP	Reference capture on IDS		0	
13	03/05/2008		M844	Information Disclosure Statement (IDS) Filed		0	
12	03/05/2008		ALPE	Preliminary Amendment		0	
8	03/05/2008		371COMP	371 Completion Date		0	
2	03/05/2008		WIDS	Information Disclosure Statement (IDS) Filed		0	
1	03/05/2008		TEXR	Initial Exam Team/nn		0	

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PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of
Shim :
Application No. 12/065,957 : DECISION ON PETITION
Filed: March 6, 2008 :
Atty. Dkt. No.: 2470.01 :

This decision is in response to the petition under 37 CFR 1.137(b), filed January 25, 2012.

The petition is **GRANTED**.

The application became abandoned September 24, 2010 for failure to timely submit a proper reply to the non-final Office action mailed June 23, 2010. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed January 21, 2012.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 3743 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/22/2011
TO SPE OF : ART UNIT 3718 *Vo Peter Dine (Spc)*
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/066029 Patent No.: 8029350
CofC mailroom date: 12/12/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.


Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____



Certificates of Correction Branch
571-272-8680 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

SPE

3718
Art Unit



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350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

MAILED

FEB 23 2012

OFFICE OF PETITIONS

In re Application of
Richard Boudinot et al.
Application No. 12/066,037
Filed: August 13, 2008
Attorney Docket No. 113601-0227

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed January 26, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned July 15, 2011 for failure to timely file a reply to the Final Office action mailed April 14, 2011. Accordingly, a Notice of Abandonment was mailed November 28, 2011.

The present petition under 37 CFR 1.137(b) is accompanied by an amendment.

The Examiner has determined that the amendment filed with the present petition places the application in condition for allowance.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

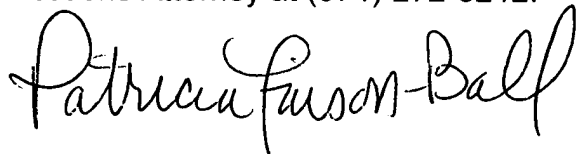
(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

All other requirements having been met, this matter is being referred to Technology Center 3636.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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James D. Hamilton
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

APR 02 2012

PCT LEGAL ADMINISTRATION

In re Application of: KAINO, Akihiko et al.	:	DECISION
U.S. Application No.: 12/066,091	:	
PCT No.: PCT/JP2006/317734	:	
International Filing Date: 07 September 2006	:	UNDER
Priority Date: 09 September 2005	:	
Atty's Docket No.: 322443US8PCT	:	
For: IMAGE PROCESSING DEVICE AND METHOD, PROGRAM, AND RECORDING MEDIUM	:	37 CFR 1.181

This decision is issued in response to applicants' "REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE" filed 04 March 2009, which has been treated as a petition under 37 C.F.R. 1.181. No petition fee is required.

BACKGROUND

On 07 March 2008, applicants filed National Phase application papers requesting entry into the national phase in the United States of America under 35 U.S.C. 371. The National Phase application filing included, *inter alia*, the requisite basic national fee; a Transmittal Letter (PTO-1390); and an application data sheet.

On 29 April 2008, applicants filed an executed declaration and power of attorney.

On 19 February 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) and Filing Receipt indicating 07 March 2008 as a 371 (c)(1), (c)(2), and (c)(4) date.

On 04 March 2009, applicants filed the present petition requesting the Date of Receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) Requirements and Date of Completion of all 35 U.S.C. 371 Requirements to be corrected to 29 April 2008.

DISCUSSION

A review of the file reveals that the applicants never filed an oath or declaration of the inventors when the National Phase application papers requesting entry into the national phase were filed on 07 March 2008. However, the applicants did file a surcharge of \$130 for late submission of the oath/declaration. Furthermore, the file clearly reveals that an executed declaration which completes the 371(c) requirements was filed via EFS-Web on 29 April 2008. Therefore, the correction of the 35 U.S.C. 371 date to 29 April 2008 is proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 29 April 2008. (See MPEP section 1893.03(b)).

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.


The "Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) and Filing Receipt mailed on 19 February 2009 are hereby **VACATED**.

The application has an international filing date of 07 September 2006 under 35 U.S.C. 363 and a date of 29 April 2008 under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) which identifies a date of 29 April 2008 under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a 371 (c)(1), (c)(2), and (c)(4) date of 29 April 2008.



Rafael Bacares
PCT Legal Examiner
Office of PCT Legal Administration

Harry C. Kim 
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3285



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**MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903**

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application:
Yingmin Wang et al.
Application No. 12/066,176
Filed: August 6, 2008
Attorney Docket No. 14556.0028USWO

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 20, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Technology Center 2471.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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**GANZ LAW, P.C.
P.O. BOX 2200
HILLSBORO, OR 97123**

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Cheryl Sherwood Kosta	:	
Application No. 12/066,256	:	DECISION ON PETITION
Filed: March 7, 2008	:	TO WITHDRAW
Attorney Docket No. KOS-2.001.PCT.US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Bradley M. Ganz on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Cheryl Kosta at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Cheryl Kosta**
929 Country Commons
Lake Oswego, OR 97034



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/066,256	03/07/2008	Cheryl Sherwood Kosta	KOS-2.001.PCT.US

CONFIRMATION NO. 8166

POWER OF ATTORNEY NOTICE



Date Mailed: 01/11/2011

22874
GANZ LAW, P.C.
P O BOX 2200
HILLSBORO, OR 97123

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/15/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02-24-12

TO SPE OF : ART UNIT 3635

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/066259 Patent No.: 7681363

CofC mailroom date: 02-16-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____



Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

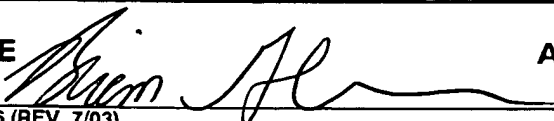
Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE



Art Unit

3633



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URSULA B. DAY, ESQ.
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of :
Schmidt et al. :
Application No. 12/066,365 : **DECISION ON PETITION**
Filed: August 28, 2008 :
Attorney Docket No. SCHMIDT-26 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed November 23, 2010, which set a period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 27, 2010. A Notice of Abandonment was mailed June 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment; (2) the petition fee of \$810.00 and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

The application file is being referred to Technology Center AU 1643 for appropriate action on the amendment filed with the instant petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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OSHA LIANG LLP
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of	:	
Robert Howe Pinckney	:	
Application No. 12/066,379	:	DECISION ON PETITION
Filed: March 10, 2008	:	TO WITHDRAW
Attorney Docket No. 17300/002002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

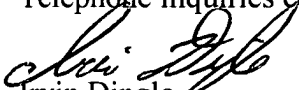
The request is **APPROVED**.

The request was signed by Robert P. Lord on behalf of the practitioners of record associated with Customer Number 22511.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Robert Howe Pinckney at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Robert Howe Pinckney
P.O. Box 38
Jackson, GA 30233



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/066,379	03/10/2008	Robert Howe Pinckney	17300/002002

22511
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

CONFIRMATION NO. 9566
POWER OF ATTORNEY NOTICE



Date Mailed: 12/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/10/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/066,379	03/10/2008	Robert Howe Pinckney	17300/002002

Robert Howe Pinckney
P.O. Box 38
Jackson, GA 30233

CONFIRMATION NO. 9566
POA ACCEPTANCE LETTER



Date Mailed: 12/06/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/10/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510**

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Application of :
Hendrik STEVENS :
Application No. 12/066,527 : **DECISION ON PETITION**
Filed: March 12, 2008 :
Attorney Docket No. 001125 US1 :

This is a decision on the petitions, filed March 16, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application and on the petition filed under 37 CFR 1.137b .

The petition under CFR 1.137b is **DISMISSED as MOOT**

The petition under CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to reply to the Office action mailed June 09, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on February 16, 2011.

Petitioner asserts that the Office action dated June 09, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action June 09, 2010, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket

and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to Technology Center AU 2463 for appropriate action in the normal course of business on the reply received with petition.



Thurman K. Page
Petitions Examiner
Office of Petitions



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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

MAILED
DEC 02 2011
OFFICE OF PETITIONS

In re Patent No. 7,985,734 :
Issue Date: July 26, 2011 :
Application No. 12/066,636 : **DECISION ON PETITION**
Filed: March 12, 2008 :
Attorney Docket No. 20184.0001USWO :

This is a decision on the petition under 37 CFR 1.182, filed November 14, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Kimberly Terrell in the Office of Data Management at (571) 272-4200.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: Kimberly Terrell, Randolph Square, 9D33 (Fax No. (571) 270-9958)



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SYNGENTA CORP PROTECTION, INC.
410 SWING ROAD
GREENSBORO NC 27409

MAILED

FEB 16 2012

OFFICE OF PETITIONS

ON PETITION

In re Application of
Andrew Lawrence Patrick Cairns et al.
Application No. 12/066,687
Filed: July 16, 2008
Attorney Docket No. 71256

This is a decision on the petition under 37 CFR 1.137(b)¹, filed February 7, 2012, to revive the above-identified application.

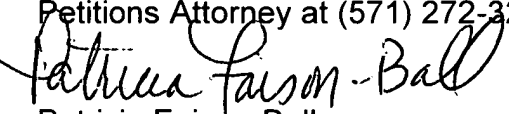
The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed July 19, 2011 which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 1616 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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MAY 27 2011

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HUNTSMAN INTERNATIONAL LLC
LEGAL DEPARTMENT
10003 WOODLOCH FOREST DRIVE
THE WOODLANDS TX 77380

PCT LEGAL ADMINISTRATION

In re Application of:	:	
LEYDEN, Richard, N., et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 12/066,694	:	37 CFR 1.182
PCT No.: PCT/EP2006/066264	:	
International Filing Date: 12 September 2006	:	
Priority Date: 13 September 2005	:	
Attorney Docket No.: HAM 830036	:	
For: PHOTOCURABLE COMPOSITIONS	:	
FOR PREPARING ABS-LIKE	:	
ARTICLES	:	

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed 08 April 2011. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed 25 September 2009. The communication indicated that the declaration filed herein could not be accepted without a grantable petition under 37 CFR 1.182 to change the name of record for the sixth inventor from Carole VANDENABEELE to Carole CHAPELAT (the name for this inventor set forth in the filed declaration).

On 05 April 2011, consistent with the communication mailed on 25 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that a petition under 37 CFR 1.182 was required.

On 08 April 2011, applicants filed the "Petition Under 37 CFR 1.182" considered herein.

DISCUSSION

Pursuant to MPEP section 605.04(c), a grantable petition under 37 CFR 1.182 requires payment of the required petition fee and "a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order." Applicants' present petition includes the required petition fee and an explanation from counsel that the inventor's name has changed as a result of marriage. However, the petition does not include the required "statement signed by the inventor" or "copy of the court order."

Applicants have therefore failed to provide all the requirements of a grantable petition to change the name of record of the sixth inventor from Carole VANDENABEELE to Carole CHAPELAT.

Based on the above, the name of record for the sixth inventor remains Carole VANDENABEELE. The declaration filed on 20 November 2008, which identifies this inventor as Carole CHAPELAT, therefore remains defective on the present record for failure to properly identify the inventors of record herein.

CONCLUSION

Applicants' petition under 37 CFR 1.82 to change the name of the sixth inventor is **DISMISSED** without prejudice.

If applicants seek reconsideration on the merits, a request for reconsideration must be filed within **TWO (2) MONTHS** of the mail date of this decision. Any such submission should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182" and the materials necessary to satisfy the outstanding requirement of a grantable petition under 37 CFR 1.182, that is, the required statement signed by the sixth inventor (or a copy of the relevant court order) confirming the change of this inventor's name from Carole VANDENABEELE to Carole CHAPELAT. No additional petition fee is required.

Extensions of time are available under 37 CFR 1.136(a). Failure to file a proper and timely response will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

AUG 17 2011

PCT LEGAL ADMINISTRATION

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HUNTSMAN INTERNATIONAL LLC
LEGAL DEPARTMENT
10003 WOODLOCH FOREST DRIVE
THE WOODLANDS TX 77380

In re Application of:	:	
LEYDEN, Richard, N., et al.	:	
U.S. Application No.: 12/066,694	:	DECISION ON RENEWED
PCT No.: PCT/EP2006/066264	:	PETITION UNDER
International Filing Date: 12 September 2006	:	37 CFR 1.182
Priority Date: 13 September 2005	:	
Attorney Docket No.: HAM 830036	:	
For: PHOTOCURABLE COMPOSITIONS	:	
FOR PREPARING ABS-LIKE	:	
ARTICLES	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. 1.182" filed 19 July 2011. Applicants have previously submitted the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed on 25 September 2009 and the petition decision mailed on 27 May 2011. The decision mailed on 27 May 2011 dismissed without prejudice applicants' petition under 37 CFR 1.182 to change the name of record for co-inventor Carole VANDENABEELE to Carole CHAPELAT, finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had not provided the required statement from the inventor whose name was to be changed.

On 19 July 2011, applicants filed the renewed petition considered herein.

DISCUSSION

The present renewed petition includes a statement executed by the inventor who is the subject of the present petition. The statement confirms that this inventor's name has changed from Carole VANDENABEELE to Carole CHAPELAT as a result of marriage.

This statement satisfies the final outstanding requirement for a grantable petition under 37 CFR 1.182 to change the name of record for co-inventor Carole VANDENABEELE to Carole CHAPELAT. The petition is therefore appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.82 to change the name of record for inventor Carole VANDENABEELE to Carole CHAPELAT is **GRANTED**.

In view of the above correction, the declarations filed on 20 November 2008 (which identifies this inventor as Carole CHAPELAT) are no longer defective and may be accepted under 37 CFR 1.497(a) and (b).

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 November 2008.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington DC 20006

MAILED
SEP 03 2010
OFFICE OF PETITIONS

In re Application of	:	
Miki Shacham	:	
Application No. 12/066,698	:	DECISION ON PETITION
Filed: March 13, 2008	:	TO WITHDRAW
Attorney Docket No. 1400.0151	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 11, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael Kondoudis on behalf of all attorneys/agents associated with customer 75485. All attorneys/agents associated with customer number 75485 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Situgen, Ltd.
3 Habarzel Street
P.O. Box 65151
Tel Aviv, Israel 61650



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/066,698	03/13/2008	Miki Shacham	1400.0151

75485

The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington, DC 20006

CONFIRMATION NO. 3016

POWER OF ATTORNEY NOTICE



Date Mailed: 09/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/11/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/066,718	03/13/2008	Philippe Gentric	00 2848 US1	3136
65913 7590 01/24/2012 Intellectual Property and Licensing NXP B.V. 411 East Plumeria Drive, MS41 SAN JOSE, CA 95134			EXAMINER CHRISS, ANDREW W	
			ART UNIT 2472	PAPER NUMBER
			NOTIFICATION DATE 01/24/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com



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Intellectual Property and Licensing
NXP B.V.
411 East Plumeria Drive, MS41
SAN JOSE CA 95134

In re Application of: GENTRIC, P. et. al.
Application No. **12/066718**
Filed: March 13, 2008
Atty Docket No.: 00 2848 US1
Title of the Invention:
METHOD OF SYNCHRONIZING THE PLAYBACK
OF AN AUDIO BROADCAST ON A
PLURALITY OF NETWORK OUTPUT
DEVICES

**DECISION ON PETITION TO
WITHDRAW RESTRICTION
REQUIREMENT UNDER 37
C.F.R. § 1.144**

This is a decision on the Petition under 37 C.F.R. § 1.144 filed **November 30, 2011** regarding a restriction requirement made in office action mailed January 24, 2011.

This petition is **GRANTED**.

RULES AND REGULATIONS

MPEP 1850:

37 CFR 1.475. Unity of invention before the International Searching Authority, the International Preliminary Examining Authority and during the national stage.

(a) An international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. (b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: (1) A product and a process specially adapted for the manufacture of said product; or (2) A product and a process of use of said product; or (3) A product, a process specially adapted for the manufacture of the said product, and use of the said product; or (4) A process and an apparatus or means specifically designed for carrying out the said process; or (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process. (c)

If an application contains claims to more or less than one of the combinations of categories of invention set forth in paragraph (b) of this section, unity of invention might not be present. (d) If multiple products, processes of manufacture or uses are claimed, the first invention of the category first mentioned in the claims of the application and the first recited invention of each of the other categories related thereto will be considered as the main invention in the claims, see PCT Article 17(3)(a) and § 1.476(c). (e) The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

MPEP 1850 (I)

I. THE REQUIREMENT FOR “UNITY OF INVENTION”

Any international application must relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (PCT Article 3(4)(iii) and 17(3)(a), PCT Rule 13.1, and 37 CFR 1.475). Observance of this requirement is checked by the International Searching Authority and may be relevant in the national (or regional) phase.

Therefore, when the Office considers international applications as an International Searching Authority, as an International Preliminary Examining Authority, and during the national stage as a Designated or Elected Office under 35 U.S.C. 371, PCT Rule 13.1 and 13.2 will be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. 111. No change was made in restriction practice in United States national applications filed under 35 U.S.C. 111 outside the PCT.

In applying PCT Rule 13.2 to international applications as an International Searching Authority, an International Preliminary Examining Authority and to national stage applications under 35 U.S.C. 371, examiners should consider for unity of invention all the claims to different categories of invention in the application and permit retention in the same application for searching and/or preliminary examination, claims to the categories which meet the requirements of PCT Rule 13.2.

MPEP 1850 (II)

II. DETERMINATION OF “UNITY OF INVENTION”

...Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. If the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims. In particular, it does not matter if a dependent claim itself contains a further invention.

OPINION

The claims as filed 03/13/08 have been reviewed and found not restrictable in accordance with the rules and regulations above mentioned.

More specifically, in accordance with the restriction requirement mailed 01/24/11 the claims were directed to “more than one species of the generic invention” (p. 4 action mailed 10/31/11). However, unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. If the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims. In particular, it does not matter if a dependent claim itself contains a further invention. (see MPEP §1850(II))

Petitioner’s arguments have been fully considered, but not found supported by the above mentioned rules. Particularly, it is noted that: a) observance of PCT Article 3(4)(iii) and 17(3)(a), PCT Rule 13.1, and 37 CFR 1.475 requirement checked by the International Searching Authority and may be relevant in the national (or regional) phase. (see MPEP 1850(I)) and b) when the Office [USPTO] during the national stage as a Designated or Elected Office under 35 U.S.C. 371, PCT Rule 13.1 and 13.2 will be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. 111.

[As best understood], neither of these guidelines clearly indicated that the Office during the national stage as a Designated or Elected Office under 35 U.S.C. 371, will follow [or is bind by the] restriction requirements made/raised (or not) by the International Searching Authority.

For the above-mentioned reasons, the petition is **Granted**.

The restriction requirement is hereby **WITHDRAWN**. The application will be forwarded to the examiner for consideration on the merits of all pending claims.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, alternatively, Chris Grant, Quality Assurance Specialist, can be reached at (571) 272-7294.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: **105896-US-PCT**

Patent Number: **7,657,142**

Filing Date
(or 371(b) or (f) Date): **August 28, 2006**

Issue Date: **February 2, 2010**

First Named
Inventor: **Laurent Gasca**

Title: **Method for making an optical fiber comprising nanoparticles and preform used in the manufacture of such a fiber**

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature **/Gregory J. Murgia/**

Date **August 1, 2010**

Name
(Print/Typed) **Gregory J. Murgia**

Registration Number **41,209**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

Mail Date: 08/12/2010

Applicant	: Laurent Gasca	: DECISION ON REQUEST FOR
Patent Number	: 7657142	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/066,776	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/22/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Commissioner for Patents
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Alexandria, VA 22313-1450
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Decision Date : August 4, 2011

In re Application of :

Yoshiyuki Hoshi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12066779

Filed : 13-Mar-2008

Attorney Docket No : 732156.440USPC

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 4, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2471 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12066779	
Filing Date	13-Mar-2008	
First Named Inventor	Yoshiyuki Hoshi	
Art Unit	2471	
Examiner Name	SOON HYUN	
Attorney Docket Number	732156.440USPC	
Title	WIRELESS COMMUNICATION APPARATUS AND HANDOVER METHOD	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Shoko Leek/
Name	Shoko I. Leek
Registration Number	43746



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600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

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JAN 31 2012
OFFICE OF PETITIONS

In re Application of
Bouzid et al.
Application No. 12/066,783
Filed: March 13, 2008
Attorney Docket No. CML02699EV
For: DISTRIBUTED USER PROFILE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 5, 2012, to revive the above-identified application.


This application became abandoned for failure to properly respond to the final Office action, mailed June 23, 2011, which set an extendable three month period for reply. Applicants submitted an amendment after final and a petition for a three month extension of time and required fee on December 12, 2011. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the December 22, 2011 Advisory action. Accordingly, this application became abandoned on December 24, 2011. A Notice of Abandonment was mailed on January 12, 2012.

Applicants have submitted a RCE and \$930.00 required fee and a request to use the previously filed amendment of December 12, 2011 as the submission in reply to the June 23, 2011 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 23, 2011 final Office action, and the \$1,860.00 petition fee.

The petition is **GRANTED**.

This application is being referred to Technology Center AU 2165 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment previously submitted.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

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APR 21 2011
OFFICE OF PETITIONS

In re Application of

MELBER, Karl et al.

Application No. 12/066,930

Filed: October 08, 2010

Attorney Docket No. 686812000100

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 07, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Madeline Johnston on behalf of all attorneys of record who are associated with customer No. 25226. All attorneys/agents associated with the Customer Number 25226 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: RHEIN BIOTECH GESELLSCHAFT FUR NEUE BIOTECHNOLOGISCHE
PROZESSE UND PRODUKTE MBH
EICHSELDER STRASSE 11
DUSSELDORF, GERMANY 40595



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SAN DIEGO CA 92121-2133

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OFFICE OF PETITIONS

In re Application of	:	
Zaza D. GOMURASHVILI et al.	:	
Application No. 12/066,998	:	DECISION ON PETITION
Filed: July 31, 2008	:	TO WITHDRAW
Attorney Docket No. MEDIV3000-2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2012.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R. 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: **(1) the first named inventor; or (2) an assignee of the entire interest under C.F.R. 3.71, who has properly intervened.** 37 CFR 3.71(c) states: An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions



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Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington DC 20001

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JUN 10 2011

PCT LEGAL ADMINISTRATION

In re Application of: MIROU, Christian	:	
U.S. Application No.: 12/067,014	:	DECISION ON PETITION UNDER
PCT No.: PCT/EP2006/066323	:	37 CFR 1.182
International Filing Date: 13 September 2006	:	
Priority Date: 16 September 2005	:	
Attorney's Docket No.: B234 1100US	:	
For: METHOD FOR PRODUCING AN	:	
ANTI-ADHESIVE SILICON	:	
COATING	:	

This decision is issued in response to the "Petition to Correct English Translation of the International Application" filed on 28 April 2011, treated herein as a petition under 37 CFR 1.182. Applicant has submitted \$200 as the petition fee; however, the applicable petition fee is \$400. Deposit Account No. 50-4254 will be charged the additional \$200 necessary to complete the required petition fee.

BACKGROUND

On 13 September 2006, applicant filed international application PCT/EP2006/066323. The application claimed a priority date of 16 September 2005, and it designated the United States. On 22 March 2007, the International Bureau communicated a copy of the international application to the United States Patent and Trademark Office. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 March 2008.

On 14 March 2008, applicant filed materials to initiate a national stage application in the United States using the EFS-Web electronic filing system. The submission included, among other materials, payment of the basic national fee. The Form PTO-1390 Transmittal Letter filed by applicants identified the submission as the U.S. national stage of international application PCT/EP2006/066329, and the submission included a copy of the publication of PCT/EP2006/066329 and an English translation identified on its face as PCT/EP2006/066329. However, the preliminary amendment filed by applicant identified the application as the national stage of international application PCT/EP2006/066323. In addition, as evidenced by the Electronic Acknowledgment Receipt, during the electronic filing process, applicant identified the application as the U.S. national stage of PCT/EP2006/066323. Thus, the national stage materials filed by applicant on 14 March 2008 identified two different international application numbers to which the national stage application was purportedly directed.

On 13 August 2008, applicant filed an executed declaration and the surcharge for filing the declaration later than thirty months after the priority date.

On 10 March 2010, the United States Designated/Elected Office mailed a Notification Of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied as of 13 August 2008. The Notification Of Acceptance specifically stated that the required English translation of the international application had been filed on 14 March 2008. Also on 10 March 2010, a filing receipt was issued identifying 13 August 2008 as the 371(c) date. The Notification of Acceptance and the filing receipt both identified the present application as the U.S. national stage of PCT/EP2006/066323.

On 25 January 2011, a non-final Office Action was mailed rejecting the claims.

On 28 April 2011, applicant filed the "Petition to Correct English Translation of the International Application" considered herein, accompanied by a revised translation.

DISCUSSION

1. Petition Under 37 CFR 1.182

As noted above, the initial application submission of 14 March 2008 identified two different international application numbers to which the national stage application was purportedly directed. Under such circumstances, a grantable petition under 37 CFR 1.182 is required to correct the record with regard to the inconsistent international application numbers provided by applicants. Such correction is necessary here before the materials filed 14 March 2008, including the basic national fee payment, may be treated as having been directed to either of the listed international applications, as necessary to avoid abandonment of the international application with respect to the United States. In view of the above, applicant's present petition has been considered in part as a petition under 37 CFR 1.182 to correct the inconsistency in the international application numbers provided.

The present petition was accompanied by payment of the required petition fee and an English translation identified on its face as PCT/EP2006/066323. The petition expressly identifies the accompanying English translation as the correct translation and states that the English translation of the international application filed on 14 March 2008 "was filed unintentionally and was the incorrect translation of the subject application."¹ The submission of the revised English translation corresponding to PCT/EP2006/066323 and applicant's assertion that this is the correct translation for the present application is interpreted as the required confirmation from applicant that the correct international application number for the present national stage application is PCT/EP2006/066323. As noted above, this correct international application number was present in the original application materials filed on 14 March 2008 (for example, in the preliminary amendment), and such materials were filed prior to the expiration of thirty months from the priority date in PCT/EP2006/066323.

¹ As noted above, the English translation filed on 14 March 2008 was identified on its face as PCT/EP2006/066329.

The present submission satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the inconsistency in the international application numbers set forth in the original national stage materials filed on 14 March 2008. Accordingly, such materials, including the payment of the basic national fee payment, will be treated as having been directed to international application PCT/EP2006/066323, and the present application will continue to be processed as the U.S. national stage of PCT/EP2006/066323.

2. Petition To Correct English Translation

The present petition states that the English translation of the international application filed on 14 March 2008 “was filed unintentionally and was the incorrect translation of the subject application.” A review of the purported English translation filed on 14 March 2008 confirms that such translation refers to the wrong international application (PCT/EP2006/066329) and does not include the full 15 claims contained in the correct international application (PCT/EP2006/066323). Accordingly, the purported English Translation of the international application filed on 14 March 2008 may not be accepted in satisfaction of the translation requirement of 35 U.S.C. 371(c)(2) for the present national stage application.

In view of the above, the Notification Of Acceptance mailed on 10 March 2010, which incorrectly indicated that the requirements of 35 U.S.C. 371(c) were satisfied as of 13 August 2008 and that the required English translation of the international application was received on 14 March 2008, is appropriately vacated.

The present petition was accompanied by a revised English translation of the international application that is identified by applicant as a correct translation. This revised translation references the correct international application number (PCT/EP2006/066323), and it appears to include the complete international application, including original claims 1 through 15. This revised English translation may be accepted in satisfaction of the requirement set forth in 35 U.S.C. 371(c)(2).

CONCLUSION

Applicant’s petition under 37 CFR 1.182 to correct the inconsistency in the international application numbers contained in the original national stage application materials filed on 14 March 2008 is **GRANTED**.

The materials filed on 14 March 2008 are treated as having been directed to international application PCT/EP2006/066323, and the present application will continue to be processed as the U.S. national stage of PCT/EP2006/066323

Deposit Account No. 50-4254 will be charged the additional \$200 required to complete the \$400 petition fee.

Applicant’s “Petition to Correct English Translation of the International Application” is **GRANTED** to the extent that the revised English translation of the international application filed

on 28 April 2011 is accepted as the English translation of the correct international application required under 35 U.S.C. 371(c)(2).

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 10 March 2010 are hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt identifying the date of receipt of the English translation and the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 28 April 2011.

After completion of processing, the National Stage Processing Branch is instructed to notify the Office of Patent Publication to correct the patent application publication.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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MAY 02 2011

OFFICE OF PETITIONS

In re Application of

BALLERINI

Application No. 12/067,039

Filed: June 25, 2008

Attorney Docket No. 21582-002US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed March 14, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed through use of Customer Number 20985, as indicated. To assist the Office with reviewing the Request and to expedite processing, practitioner is strongly encouraged to review the record to determine how the attorneys were made of record. The specific designation used to become of record, should also be used to withdraw from record.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MASSINO BALLERINI
VIA MARCONA 36
MILANO 20129 ITALY



UNITED STATES PATENT AND TRADEMARK OFFICE

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**FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022**

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JUN 01 2011

OFFICE OF PETITIONS

In re Application of
BALLERINI
Application No. 12/067,039
Filed: June 25, 2008
Attorney Docket No. 21582-002US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 17, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by John C. Phillips on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MASSINO BALLERINI
VIA MARCONA 36
MILANO 20129 ITALY



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/067,039	06/25/2008	Massino Ballerini	21582-002US1

CONFIRMATION NO. 6342

POWER OF ATTORNEY NOTICE



Date Mailed: 06/01/2011

20985
FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/17/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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OCT 15 2010

PCT LEGAL ADMINISTRATION FOR PATENTS
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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of	:	DECISION ON
GUO et al	:	
Application No: 12/067,071	:	
PCT No.: PCT/IB2006/053379	:	
Int. Filing Date: 19 September 2006	:	PETITION UNDER
Priority Date: 19 September 2005	:	
Attorney's Docket No.: 002674 US2	:	
For: APPARATUS AND METHOD...	:	37 CFR 1.47(a)
CORRECTION BYPASS	:	

This is in response to the "PETITION TO ACCEPT... UNDER 37 CFR 1.47(a)" filed on 17 August 2010.

BACKGROUND

On 19 September 2006, applicants filed international application PCT/IB2006/053379, which claimed priority to an earlier application filed 19 September 2005.

On 17 March 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 17 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)." The Notice stated that the item must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 17 August 2010, petitioner filed the current petition and an executed declaration without the signature of Mr. Guo.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has satisfied requirements (3) -(4) of 37 CFR 1.47(a) but not requirements (1)- (2).

Regarding requirement (1), petitioner has not provided the petition fee under 37 CFR 1.17(g).

Regarding requirement (2), Mr. Satagaj's declaration has sufficiently demonstrated that a copy of the application papers were mailed to the non-signing inventor, Mr. Scott Guo, by Ms Lai on 13 July 2010 and petitioner has provided proof that the package was received (exhibit F). However, it appears that Ms. Lai, not Mr. Satagaj, who is the person who performed those actions listed in the petition of mailing the complete application papers to Mr. Guo, and has first hand knowledge of those facts as required by MPEP Section 409.03(d) since the mailing appears to have been done by her. If Mr. Satagaj was not the person who performed the actions listed in the petition, then petitioner will need to submit statements, with specific facts on the actions referred to by the petition by person, Ms. Lai, who have first-hand knowledge of such facts.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

Scott Guo
1025 Craig Drive
San Jose, California 95129

Regarding requirement (4), petitioner has provided a provided a properly executed declaration.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

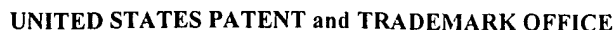
Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Rafael Bacares

PCT Legal Examiner
PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA 98104-7092

MAILED

MAR 29 2011

PCT LEGAL ADMINISTRATION

In re Application of
GUO et al
Application No: 12/067,071
PCT No.: PCT/IB2006/053379
Int. Filing Date: 19 September 2006
Priority Date: 19 September 2005
Attorney's Docket No.: 002674 US2
For: APPARATUS AND METHOD...
CORRECTION BYPASS

: DECISION ON
:
: PC
:
:
: PETITION UNDER
:
:
: 37 CFR 1.47(a)

This is in response to the “PETITION TO ACCEPT... UNDER 37 CFR 1.47(a)” filed on 17 August 2010, and it is being resent to the correct address. As a result, the time to respond restarts from the date of mailing this decision.

BACKGROUND

On 19 September 2006, applicants filed international application PCT/IB2006/053379, which claimed priority to an earlier application filed 19 September 2005.

On 17 March 2008 , applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 17 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)." The Notice stated that the item must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 17 August 2010, petitioner filed the current petition and an executed declaration without the signature of Mr. Guo.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has satisfied requirements (3) -(4) of 37 CFR 1.47(a) but not requirements (1)- (2).

Regarding requirement (1), petitioner has not provided the petition fee under 37 CFR 1.17(g).

Regarding requirement (2), Mr. Satagaj's declaration has sufficiently demonstrated that a copy of the application papers were mailed to the non-signing inventor, Mr. Scott Guo, by Ms Lai on 13 July 2010 and petitioner has provided proof that the package was received (exhibit F). However, it appears that Ms. Lai, not Mr. Satagaj, who is the person who performed those actions listed in the petition of mailing the complete application papers to Mr. Guo, and has first hand knowledge of those facts as required by MPEP Section 409.03(d) since the mailing appears to have been done by her. If Mr. Satagaj was not the person who performed the actions listed in the petition, then petitioner will need to submit statements, with specific facts on the actions referred to by the petition by person, Ms. Lai, who have first-hand knowledge of such facts.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

Scott Guo
1025 Craig Drive
San Jose, California 95129

Regarding requirement (4), petitioner has provided a provided a properly executed declaration.


Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


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SEATTLE WA 98104-7092

In re Application of	:	DECISION ON RENEWED
GUO et al	:	
Application No: 12/067,071	:	
PCT No.: PCT/IB2006/053379	:	MAILED
Int. Filing Date: 19 September 2006	:	PETITION UNDER JUN 29 2011
Priority Date: 19 September 2005	:	
Attorney's Docket No.: 002674 US2	:	PCT LEGAL ADMINISTRATION
For: APPARATUS AND METHOD...	:	37 CFR 1.47(a)
CORRECTION BYPASS	:	

This is in response to the "REQUEST FOR RECONSIDERATION AND RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 04 May 2011.

BACKGROUND

In a decision from this Office on 29 March 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (1) - (2) had not been satisfied.

On 04 May 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 29 March 2011 with respect to accepting the above application without the signature of Scott Guo.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 04 May 2011 has satisfied item (1) but has still not satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), the supplemental statement by Mr. Satagaj states on ¶ 9 that July 13, 2010 at his express direction Ms. Lai prepared a copy of the application papers and sent it via express mail to Mr. Guo and that the package was delivered on July 15, 2010 to him. As of this time, Mr. Satagaj has not received an executed declaration from Mr. Guo.

However, it is Ms. Lai, not Mr. Satagay, who is the person who performed those actions listed in the petition of mailing the complete application papers to Mr. Guo, and has first hand knowledge of those facts as required by MPEP Section 409.03(d) since the mailing appears to have been done by her. Because Mr. Satagaj was not the person who performed the actions listed in the petition his knowledge is second hand based on what Ms. Lai did, petitioner will still need to submit statements, with specific facts on the actions referred to by the petition by person, Ms. Lai, who have first-hand knowledge of such facts that she did send a complete copy of the application papers to Mr. Guo.

Accordingly, the petition has still not met the requirements under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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SEATTLE WA 98104-7092

In re Application of
GUO et al
Application No: 12/067,071
PCT No.: PCT/IB2006/053379
Int. Filing Date: 19 September 2006
Priority Date: 19 September 2005
Attorney's Docket No.: 002674 US2
For: APPARATUS AND METHOD...
CORRECTION BYPASS

: DECISION ON RENEWED

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:

:

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:

:

MAILED

OCT 19 2011

PETITION UNDER

PCT LEGAL ADMINISTRATION

37 CFR 1.47(a)

This is in response to the "REQUEST FOR RCONSIDERATION AND RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 22 August 2011.

BACKGROUND

In a decision from this Office on 29 June 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 22 August 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting to accept the above application without the signature of joint inventor Scott Guo. The petition is accompanied, initial alia, a statement by Jennifer R. Lai and new exhibit B, which shows a copy of the FedEx label and confirmation of delivery.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 22 August 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), the statement by Ms. Lai, who has first-hand knowledge of the facts, has provided a statement outlining the steps she took to mail the package with the application papers to the non-signing joint inventor Mr. Scott Guo on July 13, 2010 and delivered to and signed by him on July 15, 2010. The documents required to be signed have not been return by Mr. Guo.

Consequently, at this time it can be concluded that Mr. Guo has refused to sign the documents.

Petitioner has now satisfied item (2) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.



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Scott Guo
1025 Craig Drive
San Jose, California 95129

MAILED

OCT 19 2011

PCT LEGAL ADMINISTRATION

In re Application of
GUO et al
Application No: 12/067,071
PCT No.: PCT/IB2006/053379
Int. Filing Date: 19 September 2006
Priority Date: 19 September 2005
Attorney's Docket No.: 002674 US2
For: APPARATUS AND METHOD...
CORRECTION BYPASS

Dear: Mr. Guo,

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON, TX 77002-3095

MAILED

SEP 23 2010

OFFICE OF PETITIONS

In re Application of
Young-Hak Seo, et al.
Application No.: 12/067,159
Filed: March 17, 2008
Attorney Docket No.: 1003479-00002

ON PETITION

This is a decision on the petition, filed September 22, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 20, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3617 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON, TX 77002-3095

MAILED
MAR 10 2011
OFFICE OF PETITIONS

In re Application of
Young-Hak Seo, et al.
Application No. 12/067,159
Filed: March 17, 2008
Attorney Docket No.: 1003479-00002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 24, 2011.

The application became abandoned for failure to timely pay the issue fee on or before January 18, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 18, 2010. On January 24, 2011, the present petition was filed. A Notice of Abandonment was subsequently mailed on February 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/18/11

TO SPE OF : ART UNIT: 1722 Attn: KELLY CYNTHIA H (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/067255 Patent No.: 7960089

CofC mailroom date: 11/08/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

**Note: Please check Specifications & Claims
Should these requested changes be made or not**

**Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


SPE

1722
Art Unit



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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

NOV 17 2010

PCT LEGAL ADMINISTRATION

In re Application of
LEE
Application No.: 12/067,273
PCT No.: PCT/KR06/03992
Int'l Filing Date: 29 August 2006
Attorney Docket No.: 5438-0118PUS1
For: NITRIDE SEMICONDUCTOR LIGHT-
EMITTING DEVICE AND MANUFACTURING
METHOD THEREOF

:
: Decision on
:
: Petition Under
:
: 37 CFR 1.182
:

This is a decision on a petition under 37 CFR 1.182 to correct the international application number, filed in the United States Patent and Trademark Office on 27 September 2010.

On 18 March 2008, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/067,273. However, the international application **PCT/KR06/03991** was indicated on the transmittal letter and Electronic Acknowledgement Receipt; while the PCT application number **PCT/KR06/03992** was identified on the declaration.

On 27 September 2010, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/KR06/03991 on the national stage papers filed on 18 March 2008 is **GRANTED**. The \$400 petition fee was paid.

The USPTO records will identify the present application **12/067,273** as the national stage of **PCT/KR06/03992**. The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accord with this decision.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571)272-3286



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06 OCT 2010

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00128
HONEYWELL INTERNATIONAL INC.
Patent Services
101 Columbia Road
P.O. Box 2245
Morristown, NJ 07962-2245

In re Application of :
THENAPPAN *et al* :
U.S. Application No.: 12/067,285 :
PCT No.: PCT/US2006/033207 :
Int. Filing Date: 25 August 2006 :
Priority Date: 28 November 2005 :
Attorney Docket No.: H0011300-4004 :
For: ORGANOMETALLIC PRECURSORS :
AND RELATED INTERMEDIATES FOR :
DEPOSITION PROCESSES, THEIR :
PRODUCTION AND METHODS OF :
USE :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 03 August 2010.

BACKGROUND

On 13 May 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 03 August 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a \$130.00 surcharge fee; a one-month extension and \$130.00 extension fee; a declaration signed by nine of the eleven named inventors; two statement of facts by Collene K. Houston; documentary evidence in support of the petition; and authorization to charge any required fee to Deposit Account No. 50-0977.

DISCUSSION

Applicants filed a petition under 37 CFR 1.47(a) for co-inventors, Min LI and Martin CHENEY.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an

oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor(s).

Items (1), (3) and (4) of 37 CFR 1.47(a)¹ are complete for both Mr. LI and Mr. CHENEY.

Regarding item (2) of 37 CFR 1.47(a) for Min LI, petitioners attempted to deliver documents to the last known address for Mr. LI via Federal Express. These documents were received by a person named "S. Stoss" but were returned to Federal Express unopened. No other attempts were made. Copies of the documents sent but returned unopened with FedEx receipts were provided.

Section 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and states, in part:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.

Here, applicants have not shown that a diligent effort was made to contact Mr. LI. There is no evidence that applicants attempted to verify whether Mr. LI still lived at the Troy, Michigan address. In addition, there is no evidence that any type of search was made to locate the nonsigning inventor. Such attempts may include internet searches for addresses, telephone numbers, and email addresses. Contacting former employers and/or co-workers to obtain new contact information for Mr. LI is also appropriate.

For these reasons, item (2) of 37 CFR 1.47(a) is not complete for Mr. LI.

Regarding item (2) of 37 CFR 1.47(a) for Martin CHENEY, applicants claim that

¹ The \$200.00 petition fee has been charged to Deposit Account No. 50-0977 as authorized. The last known addresses of Min LI and the legal representative of Martin CHENEY were provided. Applicants provided a declaration signed by nine of the eleven named inventors with the petition. This declaration meets the requirements of section 409.03(a) of the MPEP and is in compliance with 37 CFR 1.497(a) and (b).

this inventor is deceased and have provided sufficient documentary evidence in the form of an obituary notice. The obituary notice states that his wife was named Linda (nee Flack) Cheney. Applicants have also provided sufficient evidence showing that a complete copy of the subject application was received by Linda Cheney on 29 July 2010.

The cover letter for the documents provided on 29 July 2010 indicated that Linda Cheney should sign on behalf of Martin CHENEY, if she was the legal representative, or provide applicants with the contact information for the legal representative. The deadline to respond was listed as 03 August 2010. The subject petition was also filed on 03 August 2010.

It is noted that the deadline given to Ms. Cheney to respond was not appropriate. Petitioners should have provided a (purported) legal representative of a deceased inventor at least 30 days to respond under these circumstances. Further, it is not clear if Linda Cheney is the legal representative of Martin CHENEY. Applicants must show that Ms. Cheney is the legal representative of Mr. CHENEY before a petition under 37 CFR 1.47 is granted for her refusal to cooperate.

For these reasons, item (2) of 37 CFR 1.47(a) is also not complete for the legal representative of Martin CHENEY.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

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00128
HONEYWELL INTERNATIONAL INC.
Patent Services
101 Columbia Road
P.O. Box 2245
Morristown, NJ 07962-2245

MAILED

FEB 01 2011

PCT LEGAL ADMINISTRATION

In re Application of :
THENAPPAN *et al* :
U.S. Application No.: 12/067,285 :
PCT No.: PCT/US2006/033207 :
Int. Filing Date: 25 August 2006 :
Priority Date: 28 November 2005 :
Attorney Docket No.: H0011300-4004 :
For: ORGANOMETALLIC PRECURSORS :
AND RELATED INTERMEDIATES :
DEPOSITION PROCESSES, THEIR :
PRODUCTION AND METHODS OF USE :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 01 December 2010.

BACKGROUND

On 06 October 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed for failing to meet all of the requirements. Applicants were given two months to respond.

On 01 December 2010, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration signed by the legal representative of a deceased inventor; a statement of facts by Sandra Thompson; a declaration by Collene K. Houston; and Exhibits A - D.

DISCUSSION

Applicants filed a petition under 37 CFR 1.47(a)¹ for co-inventors, Min LI and Martin CHENEY. However, applicants failed to satisfy item (2) of 37 CFR 1.47(a) for

¹ A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor(s).

both inventors. Items (1), (3) and (4) of 37 CFR 1.47(a) were completed in the initial petition.

In the renewed petition, the 37 CFR 1.47(a) applicants have demonstrated that a diligent effort was made to locate the nonsigning inventor Min LI. Ms. Thompson states in her affidavit that she attempted to locate Mr. LI using the internet to no avail. Ms. Thompson then contacted former employers to see if there was a new address for the nonsigning inventor. Mr. LI still has not been located. Sufficient documentary evidence to support the statement by Ms. Thompson was provided. These efforts by the 37 CFR 1.47(a) applicants meet the requirements of MPEP §409.03(d)(I) to show that an inventor cannot be reached. Item (2) of 37 CFR 1.47(a) is satisfied for Mr. LI.

Regarding item (2) of 37 CFR 1.47(a) for Martin CHENEY, applicants provided a declaration executed by Linda Cheney for her deceased husband. However, this declaration is not acceptable for the following reasons.

37 CFR 1.497(a)(3) requires that the citizenship of each inventor must be listed on the declaration. 37 CFR 1.497(b)(2) states that the citizenship, residence, and mailing address of the legal representative of an inventor must also be recorded on the declaration. A review of the declaration submitted shows that Mrs Cheney signed the declaration in the deceased inventor's box which states "See attached Declaration signed Legal Representative of this deceased inventor." The mailing address has been changed.

It is first noted that an attached declaration for the legal representative was not provided in the renewed petition. The information in the deceased inventor's box is presumed to be for the deceased inventor. Accordingly, the citizenship, residence and mailing address of the legal representative are still required.

Moreover, the mailing address in the box of the deceased inventor has been altered without being initialed. Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated. See MPEP § 605.04(a). Therefore, the declaration signed by Linda Cheney is not accepted.

Item (2) of 37 CFR 1.47(a) is still not satisfied for Martin CHENEY.

CONCLUSION

For the reasons noted above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the abandonment of the application.

Any further correspondence may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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P.O. Box 2245
Morristown, NJ 07962-2245

MAILED

MAY 03 2011

PCT LEGAL ADMINISTRATION

In re Application of
THENAPPAN *et al*
U.S. Application No.: 12/067,285
PCT No.: PCT/US2006/033207
Int. Filing Date: 25 August 2006
Priority Date: 28 November 2005
Attorney Docket No.: H0011300-4004
For: ORGANOMETALLIC PRECURSORS
AND RELATED INTERMEDIATES
DEPOSITION PROCESSES, THEIR
PRODUCTION AND METHODS OF
USE

DECISION

This decision is in response to applicants' second renewed petition under 37 CFR 1.47(a) filed 10 March 2011.

BACKGROUND

On 01 February 2011, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed for failing to meet all of the requirements. Applicants were given two months to respond.

On 10 March 2011, applicants filed this renewed response which was accompanied by, *inter alia*, a declaration signed by the legal representative of a deceased inventor.

DISCUSSION

Applicants originally filed a petition under 37 CFR 1.47(a) for co-inventors, Min LI and Martin CHENEY. Applicants completed all requirements to satisfy 37 CFR 1.47(a) for Min LI with the prior petition.

With regards to Martin CHENEY, applicants submitted a declaration executed by Linda Cheney as legal representative for her deceased husband. However, this declaration was not accepted for several reasons discussed in the prior decision mailed 01 February 2011.

by Linda Cheney for her deceased husband. The citizenship, mailing address and residence of the legal representative are recorded on the declaration, as well as the name and citizenship of the deceased inventor. This declaration is in compliance with 37 CFR 1.497(a) and (b) and is accepted under 37 CFR 1.42.

All items of 37 CFR 1.47(a) are now complete.

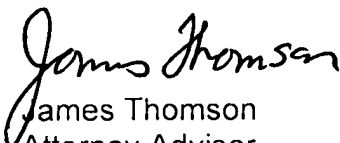
CONCLUSION

Applicants' second renewed petition under 37 CFR 1.47(a) is hereby GRANTED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 25 August 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 10 March 2011.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Min Lin
1543 Witherbee Dr.
Troy, MI 48084

In re Application of
THENAPPAN *et al*
U.S. Application No.: 12/067,285
PCT No.: PCT/US2006/033207
Int. Filing Date: 25 August 2006
Priority Date: 28 November 2005
Attorney Docket No.: H0011300-4004
For: ORGANOMETALLIC PRECURSORS
AND RELATED INTERMEDIATES
DEPOSITION PROCESSES, . . .

MAILED

MAY 03 2011

PCT LEGAL ADMINISTRATION

Dear Mr. Lin:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

HONEYWELL INTERNATIONAL INC.
Patent Services
101 Columbia Road
P.O. Box 2245
Morristown, NJ 07962-2245



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OSTROLENK, FABER LLP
1180 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036-8403

MAILED
APR 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Hans Wikström et al	:	
Application No. 12/067,331	:	ON PETITION
Filed: March 19, 2008	:	
Attorney Docket No. P/1228-238(V7193)	:	

This is a decision on the petition, filed on December 28, 2010, requesting the removal of documents. The petition is proper under 37 CFR 1.59(b).

The petition is **DISMISSED**.

Any reply must be submitted within TWO MONTHS from the mail date of this decision. Extensions of time under 37 CFR § 1.136(a) are permitted. This is not a final agency action within the meaning of 5 U.S.C. § 704.

Petitions under 37 CFR 1.59(b) require a fee under 37 CFR 1.17(g). Since the fee has not been received the petition is dismissed and no decision on the merits given.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

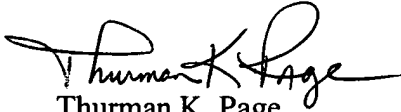
By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

12/067,331

Page 2

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-0602.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with the first name "Thurman" and last name "Page" clearly distinguishable.

Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSTROLENK FABER LLP
1180 AVENUES OF THE AMERICAS
NEW YORK, NY 10036-8403

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of
HANS WIKSTROM
Application No. 12/067,331
Filed: March 19, 2008
Attorney Docket No. P/1228-238

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the renewed petition under 37 CFR 1.59(b), filed May 3, 2011, to expunge information from the above identified application.

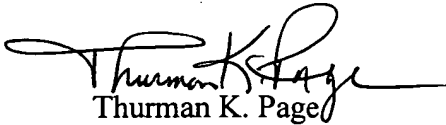
The petition is **GRANTED**.

Petitioner requests that three document (Amendment, Terminal Disclaimer and Fee Sheet) filed December 28, 2010, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid. Accordingly, the petition is granted.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Publicly available Documents." It is agreed that it would be appropriate in this instance to close the information in application serial no. 12/067,331 which was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW). Petitioner understands that upon granting the petition, the image of the inadvertently recorded document would remain in the records of the Assignment Services Division at the same reel and frame number, but that the link to said information in the patent would be deleted, so that no information about the inadvertently recorded document would appear when searching for the patent numbers in the Assignment Historical Database.

Applicant is required to retain the expunged material(s) for the life of the patent which issued on the above-identified application.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thurman K. Page
Petitions Examiner
Office of Petitions



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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Shouhei Maezawa, et al. :
Application No. 12/067,335 : DECISION GRANTING PETITION
Filed: March 19, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 072713 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 17, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 18, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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DYKAS & SHAVER LLP
P.O. BOX 877
BOISE ID 83701-0877

In re Application of

Tonery

Application No. 12/067,484

Filed: August 8, 2008

Attorney Docket No. **TOND101NUS**

MAILED

DEC 13 2011

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 4, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on June 5, 2011. A Notice of Abandonment was mailed September 16, 2011.

The amendment filed November 21, 2011, is noted.

The application is being forwarded to Technology Center 3700, GAU 3783 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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OSTROW KAUFMAN LLP
SUSAN FORMICOLA
555 FIFTH AVENUE
19TH FLOOR
NEW YORK NY 10017

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Geiger, Davi	:	DECISION ON PETITION
Application No. 12/067,528	:	TO WITHDRAW
Filed: August 28, 2008	:	FROM RECORD
Attorney Docket No. 600190-001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 6, 2011.

The request is **NOT APPROVED**.

Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Items (1) and (2) were not checked in the instant request. Petitioner states that there are no actions currently pending in the instant application. However, petitioner is still required to give the client notice of the intention to withdraw from employment and provide any and all papers and property to the client. The lack of pending actions in the instant application does not impede the petitioner from complying with items (1) and (2).

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions



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OSTROW KAUFMAN LLP
SUSAN FORMICOLA
555 FIFTH AVENUE
19TH FLOOR
NEW YORK NY 10017

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of
Geiger, Davi
Application No. 12/067,528
Filed: August 28, 2008
Attorney Docket No. 600190-001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the second Request to Withdraw as Attorney or Agent of Record under 37 C.F.R. § 1.36(b), filed April 5, 2011.


The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Seth H. Ostrow on behalf of all attorneys/agents of record who are associated with Customer Number 61834. All attorneys/agents associated with Customer Number 61834 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Davi Geiger, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.


Liana Walsh
Petitions Examiner
Office of Petitions

cc: DAVI GEIGER
740 BROADWAY, SUITE 604
NEW YORK NY 10003



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

FEB 28 2012

OFFICE OF PETITIONS

In re Application of	:	
Min	:	
Application No. 12/067,542	:	ON PETITION
Filed: August 14, 2008	:	
Attorney Docket No. SIMMC68.002APC	:	
For: USE OF SIRNAS IN ORGAN	:	
STORAGE/REPERFUSION SOLUTIONS	:	

This is a decision on the petition under 37 CFR 1.181, filed January 31, 2012, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned as a result of petitioner's alleged failure to timely file a proper follow-up submission within two (2) months of the Notice of Appeal, filed May 26, 2011. A Notice of Abandonment was mailed on January 27, 2012.

Petitioner requests withdrawal of the holding of abandonment based on the assertion that a petition for a five month extension of time and a RCE and IDS were timely filed on December 21, 2011. The undersigned finds this argument completely convincing, as these documents are present in the application file and Office financial records show that the required five month extension of time fee and the required RCE fee were charged on or around December 21, 2011. Per 37 CFR 41.37 and MEP 1205.01, the two month period to file an Appeal Brief, or other appropriate submission, after the filing of a Notice of Appeal, is extendable up to 5 months. Per 37 CFR 1.114(b), prosecution in an application is closed if an application under appeal. Therefore, the five month extension of time and the RCE were timely filed on December 21, 2011 and the RCE is a proper follow-up submission to the Notice of Appeal, filed May 26, 2011.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the January 27, 2012 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

The application file will be forwarded to Technology Center A.U. 1635 for consideration of the RCE and IDS, filed on December 21, 2011.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive style with a horizontal line underneath the name.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**GLOBELMMUNE C/O MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO CA 94304-1018**

MAILED

APR 21 2011

OFFICE OF PETITIONS

In re Application of :

APELIAN, David :

Application No. 12/067,802 :

Filed: September 01, 2009 :

Attorney Docket No. **595432000100** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 07, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71 who has properly intervened.

If an assignee has intervened in this application, then an updated Statement under 37 CFR 3.73(b) listing the reel and frame or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **GLOBELMMUNE, INC.
1450 INFINITE DRIVE
LOUISVILLE CO 80027**



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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BUCHANAN, INGERSOLL & ROONEY
PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Application :
Asou, et al. :
Application No. 12/067,862 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: March 24, 2008 :
Dkt. No.: 1018773-000051 :

This is in response to the application for patent term adjustment pursuant to 37 CFR 1.705(b) filed June 14, 2011.

The request for reconsideration of patent term adjustment is **GRANTED**.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 423 days, not zero days as calculated by the Office as of the mailing of the initial determination of patent term adjustment mailed April 14, 2011. Applicants assert that the correct period of adjustment pursuant to 37 CFR 1.702(a)(1) is 423 days and not zero days as reflected in the Notice of Allowance. Applicants assert that the period of adjustment commenced May 29, 2009, the day after the date that the application fulfilled the requirements of 35 USC 371, until July 21, 2010, the date that the restriction requirement was mailed.

The arguments presented have been carefully reviewed and found convincing. In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 423 days, as argued.

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

The Adjusted PAIR Calculation can be assessed via public and/or private PAIR.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



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P. O. BOX 9206
NEWARK DE 19714-9206

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PCT LEGAL ADMINISTRATION

In re Application of
SUZUKI, et al.
U.S. Application No.: 12/067,877
PCT No.: PCT/JP2006/320337
Int. Filing Date: 11 November 2006
Priority Date: 14 October 2005
Attorney Docket No.: MI/304
For: A MEMBRANE ELECTRODE ASSEMBLY
AND A SOLID POLYMER ELECTROLYTE
FUEL CELL

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 01 July 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided an executed declaration of the inventors and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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Paper No.

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

MAILED
AUG 15 2011
OFFICE OF PETITIONS

In re Application of :
Young et al. :
Application No. 12/067,905 : DECISION ON PETITION
Filed: November 14, 2008 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.137(B)
404172001000 :
Title: MODIFIED ANTIBODIES :
WITH INCREASED AFFINITY :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 29, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed November 30, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 1, 2011. A notice of abandonment was mailed on July 18, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the

required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Applicant has submitted the petition fee, an amendment, and a statement that is being construed as the proper statement of unintentional delay.

The second and third requirements of Rule 1.137(b) have been satisfied. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The present petition is not grantable because the first requirement of Rule 1.137(b) has not been satisfied. Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.² In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R. § 1.137(b)(1) (i.e., a Notice of Appeal (and fee required by law); an amendment that *prima facie* places the application in condition for allowance; a continuing application under 37 C.F.R. § 1.53(b); a request for continuing examination under 37 C.F.R. § 1.114, if applicable; or a 37 C.F.R. § 1.129(a) submission, if applicable). An amendment was received along with this petition. The amendment has been considered by the Examiner, and it has been determined that it fails to place the

¹ See Rule 1.137(d).

² See M.P.E.P. § 711.03(c).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

application in condition for allowance for the reason(s) set forth in the attached Advisory Action.

If reconsideration of this petition is desired, Petitioner may file a reply including a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any future submission concerning this matter should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,³ hand-delivery,⁴ or facsimile.⁵ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁶

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁷ All other inquiries concerning examination procedures should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

5 (571) 273-8300: please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Advisory Action

cc: Christopher D. Gram
MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

Advisory Action Before the Filing of an Appeal Brief	Application No. 12/067,905	Applicant(s) YOUNG ET AL.
	Examiner ANNE GUSSOW	Art Unit 1643

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 July 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☒ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,2,5,8-12,19-23,25,26 and 40.
 Claim(s) withdrawn from consideration: 13-18,24,27-32 and 34-36.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 3. NOTE: (1) the amendment was filed with a petition to revive. (2) the amendment of claim 1 to delete the reference to the heavy chain introduces new matter, because the claim now reads on substitution at position 56 in both heavy chains and light chains of antibodies. The specification discloses only substitution at position 56 in the heavy chain.

Continuation of 5. Applicant's reply has overcome the following rejection(s): The rejection of claims 1,2,5,8-12,19-23,25,26, and 40 under 35 U.S.C. 112, 2nd paragraph as being indefinite. The rejection of claims 1,2,5,8-12,19-23,25,26, and 40 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The rejection of claims 1,2,5,8-12,19-23,25,26, and 40 under 35 U.S.C. 112, first paragraph as lacking enablement.

Continuation of 11. does NOT place the application in condition for allowance because: The rejection of claims 1,2,5,8-12,23, and newly added claim 40 under 35 U.S.C. 103(a) as being obvious over Jia, et al. in view of Young, et al. is maintained. Applicant's arguments regarding the Jia reference have been considered by the examiner but are deemed not to be persuasive. The response states that the Jia reference is directed to an antibody that binds to an unrelated antigen and that the results of Jia cannot be extrapolated to other antibodies. The response goes on to cite the teachings of Jia as being unpredictable.

In response to these arguments, the claims include the limitation "or the corresponding residue in another antibody molecule", therefore the claims are drawn to including other antibody molecules for substitution. Additionally, regarding the operability of the reference, MPEP 2121 states "When the reference relied on expressly anticipates or makes obvious all of the elements of the claimed invention, the reference is presumed to be operable. Once such a reference is found, the burden is on applicant to provide facts rebutting the presumption of operability. In re Sasse, 629 F.2d 675, 207 USPQ 107 (CCPA 1980)." Applicant's arguments regarding the unpredictability of the Jia reference are directed to mutations at two different structural locations in an antibody molecule. One of ordinary skill in the art would not expect a mutation in a CDR region to be the same as a mutation within a framework region. Further, since the claims are limited to substitution at position 56 of an antibody molecule, the mutations would be in the same position in the antibody structure. Thus, applicant's arguments do not provide sufficient evidence as to the inoperability of the reference.

Therefore, after a fresh consideration of the claims and the evidence provided the rejection is maintained.



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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS MN 55458-1336

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Young et al.	:	
Application No. 12/067,905	:	DECISION ON RENEWED
Filed: November 14, 2008	:	PETITION PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
404172001000	:	
Title: MODIFIED ANTIBODIES	:	
WITH INCREASED AFFINITY	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed August 23, 2011, to revive the above-identified application.

This renewed petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed November 30, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 1, 2011. A notice of abandonment was mailed on July 18, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);

- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statements contained in these two petitions vary from the language required by 37 C.F.R. § 1.137(b)(3), the statements contained in these two petitions are being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statements contained in these petitions.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on July 29, 2011, along with the petition fee, an amendment, and a statement that is being construed as the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on August 15, 2011, which indicated that the second and third requirements of Rule 1.137(b) have been satisfied, and the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

With this renewed petition, Petitioner filed a Request for Continued Examination (RCE) along with the required fee. The amendment that was received on July 29, 2011 has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

As such, each of the first three requirements of Rule 1.137(b) has been met.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment submitted on July 29, 2011 - can be processed in due course.

¹ See Rule 1.137(d).

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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W2-55BB
LIBERTYVILLE IL 60048-5343

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MAR 08 2012

OFFICE OF PETITIONS

In re Application of	:	
Whinnett et al.	:	
Application No. 12/067,961	:	DECISION ON PETITION
Filed: March 25, 2008	:	PURSUANT TO
Attorney Docket No.	:	37 C.F.R. § 1.137(B)
CE15094EP	:	
Title: RETRANSMISSION IN A	:	
CELLULAR COMMUNICATION	:	
SYSTEM	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed February 8, 2012, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed July 19, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on October 20, 2011. A notice of abandonment was mailed on February 22, 2012, subsequent to the filing of this petition.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on February 8, 2012 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning this application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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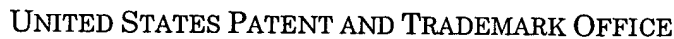
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/068,011	01/31/2008	Michimasa Aoki	108287-00015	1062
4372 7590 03/26/2012 ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER FREAY, CHARLES GRANT	
			ART UNIT 3746	PAPER NUMBER
			NOTIFICATION DATE 03/26/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com



AREN FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

In re Application of:
AOKI, MICHIMASA et al
Serial No. 12/068,011
Filed: Jan. 31, 2008
Docket: 108287-00015
Title: FAN ASSEMBLY

DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed on June 28, 2010 under 37 CFR § 1.181. Petitioner requests that the final rejection mailed on May 14, 2010 be withdrawn because petitioner believes the finality was improper.

The petition is dismissed as moot.

A review of the current application shows that the examiner sent out a final rejection on May 14, 2010 because the new grounds of the rejections were necessitated by the Rule 111 amendment filed on March 12, 2010. On October 8, 2010, the applicant filed a request for RCE with claim amendment. The applicant further traversed the examiner's rejection. Therefore, the petition is moot in view of the filing of the RCE. Prosecution of the application must be closed in order for applicant to be able to file a proper RCE (See 37 CFR 1.114). By filing the RCE, the finality of the Office Action mailed on May 14, 2010 is operatively withdrawn, and the applicant is now able to argue the merits of the examiner's rejections in subsequent amendment as filed on January 18, 2011 (37 CFR § 1.114(d))¹.

In view of the fact that the contested claims are now pending before the examiner, the petitioner's requested relief is moot. Therefore, the petition to withdraw the final rejection of the May 14, 2010 is dismissed as moot.

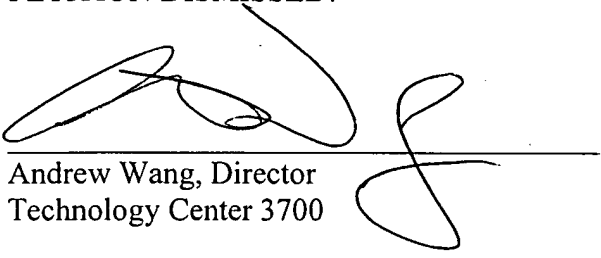
Since the application has been allowed on October 17, 2011, the application is being forwarded to the Publication Branch in preparation of issuance of a patent. The delay is regretted.

¹³⁷ 37 CFR § 1.114(d) states: If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered.

• *Application Serial No12/068,011*
Decision on Petition

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.



Andrew Wang, Director
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

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BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE WI 53203

MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Application of
Robert C. Bennett
Application No. 12/068,018
Filed: January 31, 2008
Attorney Docket No. 2361.002

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed May 27, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 28, 2010. A Notice of Abandonment was mailed on January 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 1783 for appropriate action by the Examiner in the normal course of business on the reply received June 29, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/068,021	01/31/2008	Kiyoshi Tsurumi	01-1620	1090
23400 7590 04/15/2011 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			EXAMINER CHEN, SHELLEY	
			ART UNIT 3661	PAPER NUMBER
			NOTIFICATION DATE 04/15/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com



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APR 13 2011

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re application of	:	DECISION ON REQUEST TO
Kiyoshi Tsurumi	:	PARTICIPATE IN PATENT
Application No. 12/068,021	:	PROSECUTION HIGHWAY
Filed: January 31, 2008	:	PROGRAM AND PETITION
For: MAP DISPLAY APPARATUS	:	TO MAKE SPECIAL UNDER
FOR VEHICLE	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 15, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed March 15, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 04/14/11



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OFFICE OF PETITIONS

In re Application	:
Hennenhofer, et al.	:
Application No. 12/068,102	: DECISION ON APPLICATION FOR
Filed: February 1, 2008	: PATENT TERM ADJUSTMENT
Attorney Docket No. 0050936-000027	:

This letter is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)", filed February 14, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred sixty-six (166) days to three hundred sixty-three (363) days.

The application for patent term adjustment is **DISMISSED**.

On December 27, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is one hundred sixty-six (166) days. On February 14, 2011, Applicants timely¹ submitted an application for patent term adjustment, asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is three hundred sixty-three (363) days.

Applicants state that the patent issuing from the application is not subject to a terminal disclaimer.

¹ Applicants filed the application for patent term adjustment on the same date as the issue fee.

The Office initially determined a patent term adjustment of one hundred sixty-six (166) days based on an adjustment for PTO delay of one hundred sixty (160) days pursuant to 37 C.F.R. § 1.703(a)(1), three (3) days pursuant to 37 CFR 1.703(a)(2), and another instance of three (3) days under 37 CFR 1.703(a)(2), reduced by zero (0) days of Applicant delay.

Applicants argue that the Office should be accorded and additional 197 days of PTO delay pursuant to 37 CFR 1.703(a)(2). Applicants assert that because the Office mailed two Notices of Non-Compliant Amendment in error, the clock should not have stopped under 37 CFR 1.703(a)(2) until the Office mailed a Restriction Requirement on May 25, 2010 (120 days), and when the Office mailed a Notice of Allowance on December 27, 2010 (77 days). Applicants' argument has been considered, but is not persuasive.

The USPTO appreciates that there may be situations in which it is appropriate to treat an Office action or notice issued in an application as void *ab initio* and as if the USPTO had never issued the Office action. However, these would be extremely rare situations, such as the issuance of an Office action or notice by an employee who does not have the authority to issue that type of Office action or notice, the issuance of an Office action or notice in the wrong application, or the issuance of an Office action or notice containing language not appropriate for inclusion in an official document. In essence, the situations in which it is appropriate to treat an Office action or notice issued in an application as void *ab initio* and as if the USPTO had never issued the Office action are the situations in which it is appropriate to expunge an Office action or notice from the USPTO's record of the application. That is simply not the case here.

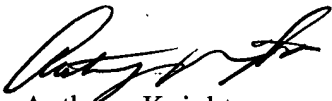
Pursuant to 35 U.S.C. § 154(b)(1)(A)(i)(ii), patentees are entitled to day-to-day adjustment if the USPTO does not respond to a reply under section 132, within 4 months after the date on which the reply was filed. The record of the instant application indisputably indicates that the USPTO did respond with the mailing of a Notice of Non-Compliant Amendment on January 25, 2010 and September 20, 2010. The fact that the Examiner indicated in an Interview Summary that the September 20, 2010 Notice was incorrect does not negate the fact that the Office responded within the meaning of 35 U.S.C. § 154(b)(1)(A)(ii) and 37 CFR 1.703(a)(2). Unless expunged from the record (which is not warranted in this situation), for purposes of calculating patent term adjustment, the Office actions mailed on January 25, 2010 and September 20, 2010 were properly used to determine whether the USPTO delayed the issuance of the instant application by responding to a reply under section 132 within 4 months after the date on which the reply was filed. *See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term*, 65 Fed. Reg. 54366 (Sept. 18, 2000) (final rule).

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **one hundred sixty-six (166) days** (166 (160+3+3) days of PTO delay reduced by 0 days of applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application file is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Anthony Knight
Director
Office of Petitions

PAT-NO: JP406278390A

DOCUMENT-IDENTIFIER: JP 06278390 A

TITLE: PLASTIC CARD WITH MAGNETIC STRIPE

PUBN-DATE: October 4, 1994

INVENTOR-INFORMATION:
NAME

OKAZAKI, MASAOKI
SASAKI, YOSHIKI
KITAMI, KOJI

ASSIGNEE-INFORMATION:

NAME

KK J C B

DAINIPPON PRINTING CO LTD

N/A

N/A

COUNTRY

APPL-NO: JP05015556

APPL-DATE: February 2, 1993

INT-CL (IPC): B42D015/10, G03H001/18, G06K019/06, G18005/80

ABSTRACT:

PURPOSE: To obtain a plastic card that is difficult to forge or alter and easily discriminated in appearance if being forged by a method wherein a transparent continuous film layer and a hologram layer forming a hologram magnetic stripe on a card substrate together with an adhesive layer and first and second magnetic recording layers are different in refractive index.

CONSTITUTION: A hologram magnetic stripe 11 is structured by laminating an adhesive layer 12, a first magnetic recording layer 13, a second magnetic recording layer 14, a transparent continuous film layer 15, and a hologram

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forming layer 16 in this order and securely bonded on an over sheet of a card substrate through the adhesive layer 12. The hologram includes a relief corresponding to interference fringes of an object beam and a reference beam as a relief pattern and a diffraction grating mechanically recorded with unevenness by an electron beam lithography device or the like. A material used for forming the transparent continuous film layer 15 is higher than the hologram forming layer 16 in refractive index and transparent either in a visible range or in an infrared or ultraviolet range.

特開平6-278390

(43)公開日 平成6年(1994)10月4日

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(19)日本国特許庁 (J P)

技術表示箇所

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(51)Int.Cl.²

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G 06 K 19/00

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審査請求 未請求 請求項の数 1 O L (全 9 頁) 最終頁に続く

特願平5-15556

(21)出願番号

平成5年(1993)2月2日

(22)出願日

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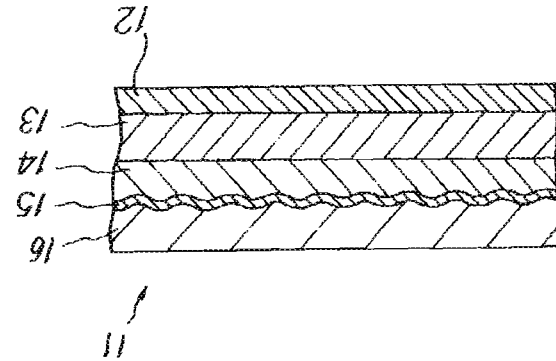
(74)代理人 弁理士 石川 泰男

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(54)【発明の名称】 磁気ストライプ付きプラスチックカード

(57)【要約】

【目的】 偽造、変造が極めて困難であるとともに、仮に偽造、変造を受けた場合でも、外観上容易に識別できる磁気ストライプ付きプラスチックカードを提供する。
【構成】 カード基体上に接着剤層、第1磁気記録層、第2磁気記録層、透明保護層およびホログラム形成層とがこの順序に積層されて構成されたホログラム・磁気ストライプを設け、第1磁気記録層と第2磁気記録層は、一方が他方よりも2倍以上高い保磁力と100℃以上低いキュリー点を有し、低いキュリー点を有する磁気記録層のキュリー点乃至それより30℃低い温度の範囲で加熱することにより両磁気記録層の飽和書き込み電流値が略同一となるようにする。



【請求項1】 ポリ塩化ビニルからなるカーブ基体と、
該カーブ基体上に接着剤層、第1磁気記録層、第2磁気記録層、透明連続薄膜層およびホログラム形成層とがこの順序に積層されて構成されたホログラム・磁気スライフトを備え、前記第1磁気記録層および前記第2磁気記録層は、一方が他方よりも2倍以上高い保磁力と100℃以上低いキュリー点を有し、かつ該低キュリー点乃至該低キュリー点より30℃低い温度の範囲で加熱することにより飽和書き込み電流値が略同一となる磁気記録層であり、前記透明連続薄膜層と前記ホログラム層とは屈折率が異なることを特徴とする磁気スライフト付きフラスコカード。

【発明の詳細な説明】

【産業上の利用分野】 本発明は磁気スライフト付きフラスコカードに係り、特に異なる磁気特性を有する2層構造の磁気記録層と透明型ホログラムとを備えた磁気スライフト付きフラスコカードに関する。

【従来の技術】 フリベイトカード等の他のカードとは異なり、特定の場所で集中飛行（エンコード）した後、使用者に渡される磁気スライフト付きフラスコカードは、その後は磁気データの書き換えは行われず、専ら読み出しだけが行われる。従来、このような用途の磁気スライフト付きフラスコカードの構成は、片面あるいは両面に磁気スライフトを備え、この磁気スライフトに高い記録密度で情報を書き込み、外部から簡単に記録情報を読み出せないようにしたものである。

【発明が解決しようとする課題】 しかしながら、磁気スライフトの特性上、記録された情報の書き換え、消去が目であるため、偽造、変造が可能であり、近年、大きな社会問題としてクローズアップされている。特に、現在は磁気スライフトの入手が容易であるため、類似のカードを製造することも可能であり、さらに、現在の仕様のようには、カーブの表面に磁気スライフトが露出している場合、磁気転写技術により磁気記録情報を他の磁気スライフトに移すことが容易にできてしまうという問題もある。

【0004】 このため、磁気スライフトに記録された情報の偽造、変造を防止するための手段が種々開発されているが、簡単な効果的な偽造、変造防止手段は未だ確立されていない。

【0005】 本発明は、このような事情に鑑みてなされたものであり、偽造、変造が極めて困難であるとともに、假に偽造、変造を受けた場合でも、外観上容易に識別できる磁気スライフト付きフラスコカードを提供することを目的とする。

【0006】

【課題を解決するための手段】 このような目的を達成するために、本発明はポリ塩化ビニルからなるカーブ基体と、該カーブ基体上に接着剤層、第1磁気記録層、第2磁気記録層、透明連続薄膜層およびホログラム形成層とがこの順序に積層されて構成されたホログラム・磁気スライフトを備え、前記第1磁気記録層および前記第2磁気記録層は、一方が他方よりも2倍以上高い保磁力と100℃以上低いキュリー点を有し、かつ該低キュリー点乃至該低キュリー点より30℃低い温度の範囲で加熱することにより飽和書き込み電流値が略同一となる磁気記録層であり、前記透明連続薄膜層と前記ホログラム層とは屈折率が異なることを特徴とする磁気スライフト付きフラスコカードとした。

【作用】 カーブ基体上に設けられたホログラム・磁気スライフトを構成する第1磁気記録層と第2磁気記録層

は、一方が他方よりも2倍以上高い保磁力と100℃以上低いキュリー点を有するとともに、低いキュリー点を有する磁気記録層のキュリー点乃至それより30℃低い温度の範囲で加熱することにより両磁気記録層の飽和書き込み電流値が略同一となるため、上記温度範囲で加熱した状態で両磁気記録層同時の書き込みを行った後は、通常の磁気記録装置により双方の磁気記録層の磁気情報を同時に書き換えることは困難であり、低保磁力磁気記録層のみが書き換え可能である。このため、低保磁力磁気記録層の不正に書き換えられた情報と、高保磁力磁気記録層に記録されている情報とが混在することになり、情報の読み出しが不可能となって、偽造が容易に判別される。また、通常の磁気記録装置による高保磁力磁気記録層の書き換えが可能である場合、高保磁力磁気記録層の飽和書き込み電流値が大きいため、低保磁力磁気記録層には、その出力飽和値以上の書き込み電流を与えられることになり、低保磁力磁気記録層の出力低下が生じて書き込み不十分となり、両磁気記録層同時の書き換えは不可能となって偽造が有効に防止される。さらに、ホログラム・磁気スライフトを構成する透明型ホログラムは、それ自体の製造が容易ではなく、類似品の作製は困難となり、また、透明型ホログラムが磁気記録層上に存在することにより磁気記録層が露出するのを防止され、磁気記録層に書き込まれている情報を直接別のカーブの磁気スライフトに移す磁気転写が困難となる。

【実施例】 以下、本発明の実施例について図面を参照しながら説明する。図1は本発明の磁気スライフト付きフラスコカードの一例を示す平面図であり、図2は図1のII-II線断面図である。図1および図2において、本発明の磁気スライフト付きフラスコカード1は、カーブ基体2と、このカーブ基体2上に設けられたホログラム・磁気スライフト11とを備えている。

【0009】 カーブ基体2は、図2に示されるようにコ

アブと、コブ3の両面に積層されたオーバーシート4、

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5とからなる積層構造を有している。通常、コア、オーバーストは、カード基体として要求される耐熱性、強度、剛性、隠蔽性、光不透過性を考慮して、ポリ塩化ビニルにより構成することができる。このようなカード基体2の厚さは、例えば560 μ mのコア、100 μ mのオーバーストから構成することにより、760 μ m程度とすることができる。

【0010】図3は上記のホログラム・磁気ストライプ

11の構造を示すための概略断面図であり、ホログラム

・磁気ストライプ11は、接着剤層12、第1磁気記録

層13、第2磁気記録層14、透明連続薄膜層15および

ホログラム形成層16がこの順序に積層された構造を

有し、接着剤層12を介してカード基体2のオーバース

ト4上に固着されている。そして、第1磁気記録層1

3および第2磁気記録層14は、一方が他方よりも2倍

以上高い保磁力と100℃以上低いキュリ一点Tを有

し、かつ低いキュリ一点Tを有する磁気記録層のキュ

リ一点T乃至それより30℃低い温度の範囲で加熱す

ることにより第1磁気記録層13と第2磁気記録層14

の飽和書込み電流値が略同一となることを特徴とする。

したがって、第1磁気記録層13が高保磁力、低キュリ

一点を有する磁気記録層であり、第2磁気記録層14が

低保磁力、高キュリ一点を有する磁気記録層とすること

ができ、また、その逆の構成としてもよい。

【0011】例えば、第1磁気記録層13が高保磁力、

低キュリ一点Tを有する磁気記録層であり、第2磁気

記録層14が低保磁力、高キュリ一点を有する磁気記録

層である場合、キュリ一点T乃至それより30℃低い

温度の範囲で加熱して高保磁力磁気記録層である第1磁

気記録層13の保磁力を下げ、飽和書込み電流値を第2

磁気記録層14の飽和書込み電流値と略同一にする際、

両磁気記録層13、14のキュリ一点が近いと低保磁力

磁気記録層である第2磁気記録層14の保磁力も低下を

来すことになる。このため、上記のように両磁気記録層

13、14のキュリ一点の差を100℃以上に設定し

て、低保磁力磁気記録層の保磁力低下を防止している。

また、加熱温度が低すぎると、高保磁力磁気記録層であ

る第1磁気記録層13の飽和書込み電流値が第2磁気記

録層14の飽和書込み電流値と同一のレベルにならない

ため、加熱条件の下限を低キュリ一点Tより30℃低

い温度に設定している。さらに、各磁気記録層への磁気

記録が互いに影響を受けないようにするため、両磁気記

録層13、14の保磁力の差を2倍以上に設定してい

る。

【0012】ホログラムとしては、物体光と参照光との

干渉結に相当する光の強度分布をレリーフ模様として光

学的に記録されているレリーフホログラム、電子線描画

装置などにより機械的に凹凸が記録された回折格子など

を含むものとする。

【0013】上記のホログラム・磁気ストライプ11を

4
写することが簡便である。

【0014】図4に示される転写シート21の作製は、

先ず、ベース基体22上に剥離層23を介してホログラ

ム形成層となる樹脂層を形成し、レリーフ母型への熱圧

接等の公知の方法によりホログラムレリーフパターンを

形成してホログラム形成層24とする。次に、反応性素

着、スピンコート等の方法を用いてホログラム形成層

24上に透明連続薄膜層25を形成し、この透明連続薄

膜層25上に第2磁気記録層26および第1磁気記録層

27を印刷法、コーティング法等により形成する。そし

て、最後に第1磁気記録層27上に接着剤層28を形成

する。

【0015】このように作製した転写シート21を、接

着剤層28がカード基体2のオーバースト4上に当接

するように熱圧着（例えば、150℃、10分間、10

0k g/cm^2 のような条件）し、その後、剥離層23によ

りベース基体22を剥離することによって、カード基体

2上に接着剤層12、第1磁気記録層13、第2磁気記

録層14、透明連続薄膜層15およびホログラム形成層

16を設けることができる。

【0016】次に、ホログラム・磁気ストライプ11を

構成する各層に用いられる材料を説明する。先ず、接着

剤層12は、アクリル系樹脂、ビニル系樹脂、ポリエス

テル系樹脂、ウレタン系樹脂、アミド系樹脂、エポキシ

系樹脂、エポキシ系樹脂、アミノアクリル系樹脂等の公知の接

着剤を用いて形成することができる。この接着剤層12

の厚さは、0.1～50 μ m、好ましくは1～10 μ m

程度とすることができる。

【0017】ホログラム・磁気ストライプ11を構成す

る第1磁気記録層13および第2磁気記録層14の内、

高保磁力、低キュリ一点Tを持つ磁気記録層を構成す

る磁性材料としては、例えばキュリ一点の低いCr

O₂、AO・n（Fe_{1-x-y}Cr_xZn_y）

2O₃）、AO・n（Fe_{1-x}Cr_x）2O₃）、A

O・n（Fe_{1-x}Al_x）2O₃）、AO・n（F

el_{1-x-y-z}G

axCr_yAl_z）2O₃）、AO・n（Fe_{1-x-y}

Cr_yGa_z）2O₃）（上記においてAはSrまたは

Baのうちの1種または2種、n=5～6）で表される

ようなSrフェライト、Baフェライト類、Nd-Fe

-B-Mn、Nd-Fe-B-Mn-A1、Nd-Fe

-B-Mn-Cr、Nd-Fe-B-Mn-A1-Cr

等のNd-Fe-B系合金類等の磁性微粒子が挙げられ

る。そして、上記の磁性微粒子が適当な樹脂あるいはイ

ソキビシクル中に分散されてなる分散物を、グラビア

法、ロール法、ナイフエッジ法等の公知の塗布方法に従

って塗布することにより磁気記録層を形成することができ、

【0018】また、低保磁力、高キュリー点を持つ磁気

記録層を構成する磁性材料としては、例えば $\gamma\text{-Fe}_2\text{O}_3$ 、 Co 被着 $\gamma\text{-Fe}_2\text{O}_3$ 、 Fe_3O_4 、 Fe 、 Fe-Cr 、 Fe-Co 、 Co-Cr 、 Co-Ni 、 Ba

フェライト、 Sr フェライト等の磁性微粒子が挙げられ

る。そして、上記の磁性微粒子が適当な樹脂あるいはイ

ソキビシクル中に分散されてなる分散物を、ゾラビエ

法、ロール法、ナイフエッジ法等の公知の塗布方法に従

って塗布することにより磁気記録層を形成することがで

きる。また、 Fe 、 Fe-Cr 、 Fe-Co 、 Co-C

等の金属または合金、あるいはその酸化物を用いて、

真空蒸着法、スパッタ法、メッキ法等により形成するこ

ともできる。

【0019】上記の磁性微粒子が分散される樹脂あるいは

はイソキビシクルとしては、アクリル樹脂、塩化ビニ

ル/酢酸ビニル共重合体樹脂、ウレタン樹脂、ポリエス

テル樹脂、セルロース樹脂、アクリル樹脂、アクリレノ

アレイノ酸共重合体樹脂等が用いられ、必要に応じてニ

トリルエム等のエム系樹脂あるいはウレタンエラストマ

ー等が添加される。また、上記のような樹脂あるいはイ

ソキビシクル中に磁性微粒子が分散されてなる分散物中

に、必要に応じて界面活性剤、シランカップリング剤、

可塑剤、ワックス、シリコンオイル、ガリボン等の顔

料を添加してもよい。

【0020】上記のような磁性材料、樹脂あるいはイソ

キビシクルを用いて形成される第1磁気記録層13およ

び第2磁気記録層14の厚さは、塗布方法により形成さ

れる場合には $1\sim 100\mu\text{m}$ 、好ましくは $5\sim 20\mu\text{m}$

程度である。また、真空蒸着法、スパッタ法、メッキ法

等により形成される場合には $100\text{\AA}\sim 1\mu\text{m}$ 、好まし

くは $500\sim 2000\text{\AA}$ 程度である。

【0021】透明連続薄膜15の形成に用いられる材

料としては、以下のような(1)～(3)の材料が挙げ

られる。

(1) ホログラム形成層16よりも屈折率が大い透明

連続薄膜

これには、可視領域で透明なものと、赤外あるいは紫外

領域で透明なものとがあり、前者は表1に、後者は表2

にそれぞれ示す。表中、 n は屈折率を示す(以下、

【0022】

【表1】

表 1

材 質	n	材 質	n
Sb ₂ S ₃	3.0	SiO ₂	2.0
Fe ₂ O ₃	2.7	In ₂ O ₃	2.0
PbO	2.6	Y ₂ O ₃	1.9
ZnSe	2.6	TiO ₂	1.9
CdS	2.6	ThO ₂	1.9
Bi ₂ O ₃	2.4	Si ₂ O ₃	1.9
TiO ₂	2.3	PbF ₂	1.8
PbCl ₂	2.3	Cd ₂ O ₃	1.8
CeO ₂	2.2	La ₂ O ₃	1.8
Ta ₂ O ₅	2.2	MgO	1.7
ZnS	2.1	Al ₂ O ₃	1.6
ZnO	2.1	LaF ₃	1.6
CdO	2.1	CaO・SiO ₂	1.6
Nd ₂ O ₃	2.0	CeF ₃	1.6
Sb ₂ O ₃	2.0	NdF ₃	1.6
ZrO ₂	2.0	SiO ₂	1.5
WO ₃	2.0	SiO ₃	1.5
Pr ₆ O ₁₁	2.0	ThF ₄	1.5

30*上記の透明誘電体の例を表3に示す。

【0024】

【表3】

表 2

【0023】
【表2】

材 質	n
CdSe	3.5
CdTe	2.6
Ge	4.0~4.4
HfO ₂	2.2
PbTe	5.6
Si	3.4
Te	4.9
TlCl	2.6
ZnTe	2.8

40

(2) ホログラム形成層16よりも屈折率が大い透明

誘電体

*50

表 4
10

材質	n
LiF	1.4
MgF ₂	1.4
3NaF・AlF ₃	1.4
AlF ₃	1.4
GaF ₃	1.3
NaF	1.3

上記の(1)～(3)の透明連続薄膜の厚さは、透明連続薄膜が透明性を維持できる範囲であればよく、使用する材質により適宜設定することができ、一般的には10～10000Å程度、好ましくは100～5000Å程度である。

【0026】尚、赤外線透過性の高い材料で透明連続薄膜を形成することにより、後述する磁気記録層の加熱を、熱伝導加熱ではなく赤外線加熱とすることができ

る。このような赤外線加熱方式を用いることにより、周辺治具への放射熱が小さくなるともに、照射スポットの形状や位置の設定が容易となる。したがって、例えば磁気ヘッドの直前に照射位置を設定して、加熱部の冷却を最小限に抑えて効率化を図ることも可能となる。

【0027】上述の転写シート21の作製において、上記の(1)～(3)に示されるような材質を用いてホログラム形成層24上に透明連続薄膜25を形成する方法としては、真空蒸着法、スパッタリング法、反応性スパッタリング法、イオンアーク法、電気メッキ法等の一般的薄膜形成手段を用いることができる。

【0028】本発明の磁気ストライプ付きプラスチックカードは、ホログラム形成層16上に保護層を備えていてもよい。ホログラム形成層16上の保護層の形成は、例えば上述の転写シート21を用いてカード基体23上にホログラム・磁気ストライプ11を設ける場合、剥離層23とホログラム形成層24との間に保護層を設ければよい。

【0029】このような転写シート21の剥離層23上の保護層の形成は、合成樹脂フィルムをラミネートするか、エラストマー・ジョイント法によるか、あるいは合成樹脂塗料を塗布することにより行うことができる。保護層を構成する樹脂としては、用途あるいは他の層との密着性等を考慮して種々の合成樹脂類が広く用いられる。特に、熱硬化性の合成樹脂を用いると、表面の硬度が高く、汚染の防止が可能であるという点で有利である。さらに、紫外線硬化型の合成樹脂を含む塗料を用いれば、塗布後の硬化が瞬時に進むので好ましい。また、保護層中にシリコン等を添加して表面に剥離性を

表 3
9

材質	n
CuCl ₂	2.0
CuBr	2.2
GaAs	3.3～3.6
GaP	3.3～3.5
N ₄ (CH ₂) ₆	1.6
Bi ₄ (GeO ₄) ₃	2.1
KH ₂ PO ₄ (KDP)	1.5
KD ₂ PO ₄	1.5
NH ₄ H ₂ PO ₄	1.5
KH ₂ AsO ₄	1.6
RbH ₂ AsO ₄	1.6
KTa _{0.65} Nb _{0.35} O ₃	2.3
K _{0.6} Li _{0.4} NbO ₃	2.3
KSr ₂ Nb ₅ O ₁₅	2.3
Sr ₂ Ba _{1-x} Nb ₂ O ₆	2.3
Ba ₂ Nb ₂ O ₁₅	2.3
LiNbO ₃	2.3
LiTaO ₃	2.2
BaTiO ₃	2.4
SrTiO ₃	2.4
KTaO ₃	2.2

(3) ホログラム形成層16よりも屈折率が小さい透明

連続薄膜

上記の透明連続薄膜の例を表4に示す。

【0025】

【表4】

与えてもよい。

【0030】また、ホログラム・磁気ストライプ1の

各層間には、必要に応じて接着層を介在させてもよい。

この場合の接着層は、塩化ビニル/酢酸ビニル共重合

体、エチレン/酢酸ビニル共重合体、塩化ビニル/プロ

ピオン酸共重合体、エチレン/酢酸ビニル共重合体、酢酸ビニル/プロ

ピオン酸共重合体等のバインダーに、必要に応じて可塑

剤、安定剤、硬化剤等を添加した後、溶剤あるいは希釈

剤で充分に溶解してなる接着層用塗料を用いて塗布する

ことにより形成することができる。接着層用塗料の塗布

法は、フリップ法、ロール法、ナイフエッジ法等の塗布

法により行うことができる。特に、磁気記録層上に接着

層を設ける場合、磁気記録層の再溶解を防止するため、

熱可塑性樹脂をエマルジョン化して塗布し、乾燥してヒ

ートシール型の接着層とすることが好ましい。

【0031】上述のような本発明の磁気ストライプ付き

フラスチックカード11は、その第1磁気記録層13および

第2磁気記録層14が上述のような特性を備えている

ため、低キュリ点T_c乃至(T_c-30℃)の温度範囲で加熱して

両磁気記録層の飽和書き込み電流値を略同一

とすることにより第1磁気記録層13、第2磁気記録層

14同時の書き込みが可能となる。

【0032】しかし、通常の磁気記録装置により第1磁

気記録層13および第2磁気記録層14の磁気情報を同

時に書き換えることは困難である。すなわち、例えば第1

磁気記録層13が高保磁力磁気記録層であり、第2磁気

記録層14が低保磁力磁気記録層であった場合、通

常の磁気記録装置により第2磁気記録層14の書き換えが

可能であっても、この第2磁気記録層14の不正に書き換

えられた情報と、第1磁気記録層13に記録されている

情報とが混在することになり、情報の読み出しが不可能

となって、偽造が容易に判別される。

【0033】また、通常の磁気記録装置による第1磁気

記録層13の書き換えが可能である場合、一般に高保磁力

磁気記録層の飽和書き込み電流値が大きいため、低保磁力

磁気記録層である第2磁気記録層14には、その出力飽

和値以上の書き込み電流値を与えられ、第2磁

気記録層14の出力低下が生じて書き込み不十分となり、

両磁気記録層同時の書き換えは不可能となり、偽造が有効*40

(剥離層形成用の塗工液)

・酢酸セルロース樹脂

・メタノール

・メチルエチルケトン

・トルエン

・メチロール化メラミン樹脂

・バタールエポキシ樹脂

(ホログラム形成層形成用の塗工液)

・アクリル樹脂

・メラミン樹脂

… 10重量部

… 40重量部

… 0.05重量部

… 0.5重量部

… 25重量部

… 45重量部

… 25重量部

… 5重量部

… 10重量部

*に防止される。

【0034】また、飽和書き込み電流値は、磁気記録層の保磁力、厚さ、磁材充填率、磁気記録層と磁気ヘッドとの距離等により変動するため、同一の飽和書き込み電流値を有するホログラム・磁気ストライプを偽造すること自体が困難であり、さらに、上記の加熱条件と飽和書き込み電流値を見出すことが極めて困難である。例えば、加熱温度が5℃ずつ異なることにより、飽和書き込み電流値が0%以上の変動が生じる。また、出力飽和特性曲線が、その飽和値を越えた後、大きく変化するような磁気記録層とすること、所定の書き込み電流値の許容幅を狭くし、偽造者が実際の書き込み電流値を推し当てることを困難なものとすることができる。したがって、本発明の磁気ストライプ付きフラスチックカード11は、発行された後は書き換えを実行しないというレジットカードやキャッシュカード本来の用途に最適なものである。

【0035】さらに、ホログラムが磁気記録層上に存在することにより磁気記録層が露出するのが防止され、磁気記録層に書き込まれている情報を直接別のカードの磁気ストライプに移す磁気転写が困難となる。そして、ホログラム・磁気ストライプを構成するホログラムは、外觀上美しく、それ自体の製造が容易ではなく、類似品の作製は困難であり、本発明の磁気ストライプ付きフラスチックカード11は、偽造、変造の困難な磁気ストライプ付きフラスチックカードである。

【0036】次に、実験例を示して本発明の磁気ストライプ付きフラスチックカードを更に詳細に説明する。

(実験例) 厚さ25μmのポリエチレンの片面に、下記の組成を有する各塗工液を塗布して剥離層(厚さ1.0μm)、ホログラム形成層(厚さ3.0μm)を順次形成し、ホログラム形成層上に酸化亜鉛(ZnO)を形成して第2磁気記録層(厚さ0.02μm)を形成した。さらに、透明連続膜層上に下記の組成を有する各塗工液を塗布して第2磁気記録層(厚さ1.0μm)、第1磁気記録層(厚さ1.0μm)および接着剤層(厚さ5μm)を順次形成して転写シートを作製した。

【0037】尚、ホログラム形成層は、樹脂層を形成した後、レリーフホログラムとして構成した。また、塗布方法はグラビエコート法とした。

・シクロヘキサン
・メチルエチルケトン

(第2磁気記録層形成用の塗工液)

・ γ -Fe₂O₃

(保磁力=300 Oe、キュリ一点=575℃) ... 36重量部

... 12重量部

... 20重量部

... 15重量部

... 15重量部

... 2重量部

(第1磁気記録層形成用の塗工液)

・Srフタイト

(保磁力=6000 Oe、キュリ一点=140℃) ... 36重量部

... 12重量部

... 20重量部

... 15重量部

... 15重量部

... 2重量部

(接着剤層形成用の塗工液)

・塩化ビニル/酢酸ビニル共重合体

・アクリル樹脂

・酢酸エチル

・トルエン

上記のように作製した転写シートを12.7mm幅にスリ

ットして転写テープとし、この転写テープを厚さ100

μmの塩化ビニルシートに200℃、10m/分の条件

でロール転写し、その後、ポリエチレンフィルムを剥離

して接着剤層、第1磁気記録層、第2磁気記録層、透明

連続膜層およびホログラム形成層がこの順に積層され

たホログラム・磁気ストライプを設けた。次に、予めオ

フセット印刷により文字、絵柄を印刷した厚さ560μ

mの硬質塩化ビニルシートを、上記のようにホログラム・

磁気ストライプを設けた塩化ビニルシートと、別の厚さ

100μmの塩化ビニルシートとで挟んだ状態で熱圧着

(150℃、10分間、100kg/cm²)して一体化

し、本発明の磁気ストライプ付きプラスチックカードを

得た。

【0038】このようにして作製した磁気ストライプ付

きプラスチックカードを120℃で加熱し、第1磁気記

録層と第2磁気記録層の飽和書き込み電流値を約60mA

とした状態で、書き込み電流80mAで磁気情報を記録し

た。そして、磁気ストライプ付きプラスチックカードを

冷却した後に読取りを行ったところ、約50mVの出

力で磁気情報を良好に読み取ることができた。

【0039】次に、上記の磁気情報が記録された磁気ス

トライプ付きプラスチックカードに室温において書き込み

電流80mAで別の磁気情報を記録し、その後、読取り

を行ったところ、約400～600mVの出力が得られ

たものの、2種の磁気情報が混在しており、磁気情報を

読み取ることができなかった。

* 50

和書き込み電流値を見出すことが極めて困難なため、発

ること自体が困難であり、さらに、上記の加熱条件と飽

和電流値を有するホログラム・磁気ストライプを偽造す

ヘッドとの距離等により変動するため、同一の飽和書き

込み電流値を有するホログラム・磁気ストライプを偽造す

ことは困難であり、また、飽和書き込み電流値は、磁気

記録層の保磁力、厚さ、磁材充率、磁気記録層と磁気

装置により双方の磁気記録層の磁気情報を同時に書換え

磁気記録層同時の書き込みを行った後は、通常の磁気記

録層のキュリ一点乃至それより30℃低い温度の範囲で

加熱することにより飽和書き込み電流値を略同一として両

層のキュリ一点を有する磁気記

録層のキュリ一点を有する磁気記

録層と第2磁気記録層の飽和書き込み電流値を約60mA

とした状態で、書き込み電流80mAで磁気情報を記録し、

その後、読取りを行ったところ、読取り出力は約300mVであり、高保磁力磁気

記録層である第1磁気記録層への磁気情報の記録が不十

分であることが確認された。

【0041】また、作製した本発明の磁気ストライプ付

きプラスチックカードは、磁気記録層の表面にホログラ

ムを有しており、外観上、磁気記録層の黒茶色を背景に

した透し状のホログラムの存在が一目で認識できたと

もに、上記のような加熱が施された後も、ホログラム効

果の劣化は全く見られなかった。

【0042】

【発明の効果】以上詳述したように、本発明によればホ

ログラム・磁気ストライプを構成する第1磁気記録層お

よび第2磁気記録層を、低いキュリ一点を有する磁気記

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1. This document has been translated by computer. So the translation may not reflect the original precisely.
2. **** shows the word which can not be translated.
3. In the drawings, any words are not translated.

DETAILED DESCRIPTION

[Detailed Description of the Invention]

[0001]

[Industrial Application] This invention relates to a plastic card with a magnetic stripe, and relates to the plastic card with a magnetic stripe provided with the magnetic recording layer and transparent type hologram of the two-layer structure of having especially different magnetic properties.

[0002]

[Description of the Prior Art] After carrying out intensive issue (encoding) at a specific place unlike other cards, such as a prepaid card, after that, rewriting of magnetic data is not performed but, as for the plastic card with a magnetic stripe passed to a user, only read-out is performed chiefly. The composition of such a plastic card with a magnetic stripe of a use

equips one side or both sides with a magnetic stripe, writes information in this magnetic stripe with high storage density, and is prevented from reading recorded information simply from the exterior conventionally.

[0003]

[Problem to be solved by the invention] However, since rewriting of the recorded information and elimination are free on the characteristic of a magnetic stripe, it can forge and alter and a close-up of is taken as a big social problem in recent years. Especially now like [since

acquisition of a magnetic stripe is easy / it is also possible to manufacture a similar card and] the further present specification, When the magnetic stripe is exposed to a card-face side, there is also a problem that it will be able to perform easily moving magnetic recording information to other magnetic stripes by magnetic printing technology.

[0004] For this reason, although the means for preventing forgery of the information recorded on the magnetic stripe and alteration is developed variously, easy and effective forgery and an alteration prevention means are not yet established.

[0005]The purpose of this invention is as follows.

It is made in view of such a situation, and forgery and alteration be very difficult.
the case where forgery and alteration are received temporarily -- an exterior -- provide an easily discriminable plastic card with a magnetic stripe.

[0006]

[Means for solving problem]The card base which this invention becomes from polyvinyl

chloride in order to attain such a purpose, it has the hologram and magnetic stripe in which an adhesives layer, the 1st magnetic recording layer, the 2nd magnetic recording layer, the

transparent continuous thin film layer, and the hologram formation layer were laminated and constituted by this order on this card base. Said 1st magnetic recording layer and said 2nd

magnetic recording layer, One side has more than twice as high coercive force as another side and a Curie point low not less than 100 **, And by heating in the range of a temperature lower than this low Curie point thru/or this low Curie point, a saturation write current value is a magnetic recording layer it becomes same omitting, and said transparent continuous thin film layer and said hologram layer were considered as composition which differs in a refractive

index.

[0007]

[Function]The 1st magnetic recording layer and the 2nd magnetic recording layer which

constitute the hologram and magnetic stripe provided on the card base, While one side has

more than twice as high coercive force as another side and a Curie point low not less than 100 **, Since it becomes same omitting the saturation write current value of both magnetic

recording layers by heating in the Curie point of the magnetic recording layer which has a low Curie point thru/or the range of a temperature lower 30 ** than it, After writing in both magnetic recording layer coincidence in the state where it heated in the above-mentioned temperature

requirement, it is difficult to rewrite the magnetic information of both magnetic recording layers simultaneously with the usual magnetic recording medium, and only a low-coercive-force

magnetic recording layer can be rewritten. For this reason, the information rewritten by the injustice of the low-coercive-force magnetic recording layer and the information currently

recorded on the high-coercive-force magnetic recording layer will be intermingled, read-out of information becomes impossible, and forgery is distinguished easily. When rewriting of the high-coercive-force magnetic recording layer by the usual magnetic recording medium is

possible, since the saturation write current value of a high-coercive-force magnetic recording layer is large, to a low-coercive-force magnetic recording layer. The write current beyond the output saturation value will be given, the loss of power of a low-coercive-force magnetic

recording layer arises and writes in, and it becomes insufficient, and rewriting of both magnetic recording layer coincidence becomes impossible, and forgery is prevented effectively. The

transparent type hologram which constitutes a hologram and a magnetic stripe, Manufacture of itself is not easy, and when production of an imitation becomes difficult and a transparent type hologram exists on a magnetic recording layer, the magnetic printing from which that a magnetic recording layer is exposed moves directly the information which is prevented and is written in the magnetic recording layer to the magnetic stripe of another card becomes difficult.

[0008]

[Working example] Hereafter, it explains, referring to Drawings for the embodiment of this invention. Drawing 1 is a top view showing an example of the plastic card with a magnetic stripe of this invention, and drawing 2 is an II-II line sectional view of drawing 1. In drawing 1 and drawing 2, the plastic card 1 with a magnetic stripe of this invention is provided with the card base 2, and the hologram and magnetic stripe 11 which were provided on this card base 2.

[0009] The card base 2 has a laminated structure which consists of the overcoating sheets 4 and 5 laminated by both sides of the core 3 and the core 3 as shown in drawing 2. Usually, in consideration of heat resistance, intensity, rigidity, concealment nature, light impermeability nature, etc. which are demanded as a card base, polyvinyl chloride can constitute a core and overcoating sheets. The thickness of such a card base 2 can be about 760 micrometers by constituting, for example from a 560 micrometers core and 100-micrometer overcoating sheets.

[0010] Drawing 3 is the structure of above-mentioned hologram and magnetic stripe 11 an outline sectional view for being shown, and a hologram and the magnetic stripe 11. The adhesives layer 12, the 1st magnetic recording layer 13, the 2nd magnetic recording layer 14, the transparent continuous thin film layer 15, and the hologram formation layer 16 had the structure laminated by this order, and have adhered on the overcoating sheets 4 of the card base 2 via the adhesives layer 12. And the 1st magnetic recording layer 13 and the 2nd magnetic recording layer 14, One side has more than twice as high coercive force as another side and Curie point T_c low not less than 100° . And it becomes same omitting the saturation write current value of the 1st magnetic recording layer 13 and the 2nd magnetic recording layer 14 by heating in Curie point T_c of the magnetic recording layer which has low Curie point T_c thru/or the range of a temperature lower 30° than it. Therefore, the 1st magnetic recording layer 13 is a magnetic recording layer which has high coercive force and a low Curie point, and the 2nd magnetic recording layer 14 can consider it as the magnetic recording layer which has low coercive force and a high CURIE point, and it is good also as the reverse composition. [0011] For example, the 1st magnetic recording layer 13 is a magnetic recording layer which has high coercive force and low Curie point T_c . When the 2nd magnetic recording layer 14 is a magnetic recording layer which has low coercive force and a high CURIE point, Heat in the

range of a temperature lower 30 ° than Curie point T_c thru/ or it, and coercive force of the 1st magnetic recording layer 13 that is a high-coercive-force magnetic recording layer is lowered. When making a saturation write current value the same in a saturation write current value of the 2nd magnetic recording layer 14, and abbreviation, and a Curie point of both the magnetic recording layers 13 and 14 is near, coercive force of the 2nd magnetic recording layer 14 that is a low-coercive-force magnetic recording layer will also cause a fall. For this reason, a difference of a Curie point of both the magnetic recording layers 13 and 14 was set as not less than 100 ° as mentioned above, and a coercive force fall of a low-coercive-force magnetic recording layer is prevented. Since a saturation write current value of the 1st magnetic recording layer 13 that is a high-coercive-force magnetic recording layer will not be set to the same level as a saturation write current value of the 2nd magnetic recording layer 14 if cooking temperature is too low, a minimum of heating conditions has been set as a temperature lower 30 ° than low Curie point T_c . In order not to influence mutually magnetic recording to each magnetic recording layer, a difference of coercive force of both the magnetic recording layers 13 and 14 is set up more than twice.

[0012] A diffraction grating etc. on which unevenness was mechanically recorded by relief hologram currently optically recorded as a hologram considering luminous-intensity distribution equivalent to an interference fringe of object light and a reference beam as a relief pattern, an electron beam lithography system, etc. shall be included.

[0013] As a method of forming on the card base 2, above-mentioned hologram and magnetic stripe 11, it is simple to produce the transfer sheet 21 as shown in drawing 4, and to transfer an adhesives layer, the 1st magnetic recording layer, the 2nd magnetic recording layer, a transparent continuous thin film layer, and a hologram formation layer on the card base 2 in accordance with a publicly known method conventionally.

[0014] Production of the transfer sheet 21 shown in drawing 4 forms first the resin layer which turns into a hologram formation layer via the stratum disjunctum 23 on the base material 22, forms a hologram relief pattern by publicly known methods, such as heat pressure welding to a relief matrix, and is taken as the hologram formation layer 24. Next, the transparent continuous thin film layer 25 is formed on the hologram formation layer 24 using methods, such as reactive deposition and sputtering, and the 2nd magnetic recording layer 26 and the 1st magnetic recording layer 27 are formed with print processes, a coating method, etc. on this transparent continuous thin film layer 25. And finally the adhesives layer 28 is formed on the 1st magnetic recording layer 27.

[0015] The transfer sheet 21 produced in this way is bonded by thermo-compression so that the adhesives layer 28 may contact on the overcoating sheets 4 of the card base 2. (For example, conditions for 150 ° and 10 minutes and like 100 kg / cm²) By carrying out and exfoliating the base material 22 by the stratum disjunctum 23 after that, The adhesives layer 12, the 1st

http://www4.jpdl.nipit.go.jp/cgi-bin/tran_web.cgi?elje%2F%2Fwww4.jp... 12/8/2010

[0020] The thickness of the 1st magnetic recording layer 13 formed using the above magnetic materials, resin, or an ink vehicle and the 2nd magnetic recording layer 14 is about 5-20 micrometers preferably 1-100 micrometers, when formed by a coating method. When formed by vacuum deposition method, a sputtering method, plating, etc., 100Å - 1 micrometer are about 500-2000Å preferably.

[0021] The material of following (1) - (3) is mentioned as a material used for formation of the transparent continuous thin film layer 15.

(1) a transparent continuous thin film with a larger refractive index than the hologram formation layer 16 -- there are a transparent thing and what is transparent in infrared rays or an ultraviolet region in this in a visible region, the former is shown in Table 1 and the latter is shown in Table 2, respectively. n shows a refractive index among front ((2) also setting to - (3) hereafter the same).

[Table 1]

表 1

材質	n	材質	n
Sb ₂ S ₃	3.0	SiO ₂	2.0
Fe ₂ O ₃	2.7	In ₂ O ₃	2.0
PbO	2.6	Y ₂ O ₃	1.9
ZnSe	2.6	TiO	1.9
CdS	2.6	ThO ₂	1.9
Bi ₂ O ₃	2.4	Si ₂ O ₃	1.9
TiO ₂	2.3	PbF ₂	1.8
PbCl ₂	2.3	Cd ₂ O ₃	1.8
CeO ₂	2.2	La ₂ O ₃	1.8
Ta ₂ O ₅	2.2	MgO	1.7
ZnS	2.1	Al ₂ O ₃	1.6
ZnO	2.1	LaF ₃	1.6
CdO	2.1	CaO・SiO ₂	1.6
Nd ₂ O ₃	2.0	CeF ₃	1.6
Sb ₂ O ₃	2.0	NdF ₃	1.6
ZrO ₂	2.0	SiO ₂	1.5
WO ₃	2.0	SiO ₃	1.5
Pr ₂ O ₃	2.0	THF ₃	1.5

(2) The example of the transparent ferroelectric of the transparent ferroelectric above with a larger refractive index than the hologram formation layer 16 is shown in Table 3.

[Table 3]
[0024]

材料	n
CdSe	3.5
CdTe	2.6
Ge	4.0~4.4
HfO ₂	2.2
PbTe	5.6
Si	3.4
Te	4.9
TlCl	2.6
ZnTe	2.8

[Table 2]
表 2
[0023]

表 3

材 質	n
CuCl ₂	2.0
CuBr	2.2
GaAs	3.3~3.6
GAP	3.3~3.5
N ₂ (CH ₂) ₆	1.6
Bi ₄ (GeO ₄) ₃	2.1
KH ₂ PO ₄ (KDP)	1.5
KD ₂ PO ₄	1.5
NH ₄ H ₂ PO ₄	1.5
KH ₂ AsO ₄	1.6
RbH ₂ AsO ₄	1.6
KTa _{0.65} Nb _{0.35} O ₃	2.3
K _{0.6} Li _{0.4} NbO ₃	2.3
KSr ₂ Nb ₅ O ₁₅	2.3
Sr ₂ Ba _{1-x} Nb ₂ O ₆	2.3
Ba ₂ Nb ₂ O ₁₅	2.3
LiNbO ₃	2.3
LiTaO ₃	2.2
BaTiO ₃	2.4
STiO ₃	2.4
KTaO ₃	2.2

(3) The example of the transparent continuous thin film of the transparent continuous thin film above whose refractive index is smaller than the hologram formation layer 16 is shown in Table 4.

[0025]

[Table 4]

表 4

材 質	n
L1F	1.4
MgF ₂	1.4
3NaF・AlF ₃	1.4
AlF ₃	1.4
GaF ₃	1.3
NaF	1.3

The transparent continuous thin film layer thickness of above-mentioned (1) - (3) can be suitably set up according to the construction material which a transparent continuous thin film layer is a range which can maintain transparency, ***s, and uses, and is generally about 100-5000Å preferably about 10-10000Å.

[0026]Heating of a magnetic recording layer mentioned later can be made into the infrared heat instead of heat-conduction heating by forming a transparent continuous thin film layer with a high material of infrared permeability. While the radiant heat to a circumference fixture becomes small by using such an infrared heat system, the form of irradiation spot and setting out of a position become easy. Therefore, an irradiation position is set up, for example just before a magnetic head, and it also becomes possible to press down cooling of a heating unit to the minimum, and to attain increase in efficiency.

[0027]As a method of forming the transparent continuous thin film layer 25 on the hologram formation layer 24 in production of the above-mentioned transfer sheet 21 using construction material as shown in above-mentioned (1) - (3), General thin-film-forming means, such as a vacuum deposition method, sputtering process, a reactive-sputtering method, the ion plating method, and an electroplating method, can be used.

[0028]The plastic card with a magnetic stripe of this invention may be provided with the protective layer on the hologram formation layer 16. The formation of the protective layer to the hologram formation layer 16 top should just provide a protective layer between the stratum disjunctum 23 and the hologram formation layer 24, when forming a hologram and the magnetic stripe 11 on the card base 2, for example using the above-mentioned transfer sheet 21.

[0029]Formation of the protective layer to the stratum disjunctum 23 top of such a transfer sheet 21 can be performed by laminating a synthetic resin film, being based on an extrusion die coating method, or applying synthetic coating material. As resin which constitutes a protective layer, various synthetic resins are widely used in consideration of a use or adhesion

with other layers. If a thermosetting synthetic resin is used especially, surface hardness is high and it is advantageous at the point that prevention of contamination is possible. If the paint containing an ultraviolet curing type synthetic resin is used, since hardening after spreading can carry out in an instant, it is desirable. Silicone etc. may be added in a protective layer and detachability may be given to the surface.

[0030] A glue line may be made to intervene between each layers of a hologram and the magnetic stripe 11 if needed. The glue line in this case VCM/PVC/vinyl acetate copolymer, ethylene/vinyl acetate copolymer, VCM/PVC / propionic acid copolymer, rubber system resin, cyanoacrylate resin, it can form by applying to them using the fully mulled paint for glue lines with a solvent or a diluent, after adding a plasticizer, stabilizer, a hardening agent, etc. to binders, such as cellulose type resin, ionomer resin, and a polyolefin system copolymer, if needed. Spreading of the paint for glue lines can be performed with coating methods, such as the photogravure method, the rolling method, and the knife-edge method. When providing a glue line on a magnetic recording layer especially, in order to prevent remelting of a magnetic recording layer, it is preferred to emulsion-size, to apply, to dry and to make thermoplastics into a heat sealed type glue line.

[0031] The above plastic cards 1 with a magnetic stripe of this invention, Since the 1st magnetic recording layer 13 and 2nd magnetic recording layer 14 are provided with the above characteristics. The writing of 1st magnetic recording layer 13 and 2nd magnetic recording layer 14 coincidence is attained by heating in low Curie point T_c thru/or the temperature requirement of (T_c-30°), and making the saturation write current value of both magnetic recording layers the same in abbreviation.

[0032] However, it is difficult to rewrite simultaneously the magnetic information of the 1st magnetic recording layer 13 and the 2nd magnetic recording layer 14 with the usual magnetic recording medium. Namely, with the usual magnetic recording medium, when the 1st magnetic recording layer 13 is a high-coercive-force magnetic recording layer, for example and the 2nd magnetic recording layer 14 is a low-coercive-force magnetic recording layer, even if rewriting of the 2nd magnetic recording layer 14 is possible. The information rewritten by the injustice of this 2nd magnetic recording layer 14 and the information currently recorded on the 1st magnetic recording layer 13 will be intermingled, read-out of information becomes impossible, and forgery is distinguished easily.

[0033] When rewriting of the 1st magnetic recording layer 13 by the usual magnetic recording medium is possible, generally Since the saturation write current value of a high-coercive-force magnetic recording layer is large. The write current beyond the output saturation value will be given to the 2nd magnetic recording layer 14 that is a low-coercive-force magnetic recording layer, the loss of power of the 2nd magnetic recording layer 14 arises and writes in it, and it becomes insufficient, and rewriting of both magnetic recording layer coincidence becomes

impossible, and forgery is prevented effectively.

[0034] Since a saturation write current value is changed with the distance of the coercive force of a magnetic recording layer, thickness, a ** material filling factor, a magnetic recording layer, and a magnetic head, etc., it is difficult to forge the hologram and magnetic stripe which has the same saturation write current value itself, and it is very difficult to find out the further above-mentioned heating conditions and saturation write current value. For example, when 5 ** of cooking temperature shifts, not less than 10% of change arises in a saturation write current value. Allowable width of a predetermined writing current value can be narrowed, and it can make it difficult for a forger to discover a actual writing current value because an output saturation-characteristics curve considers it as a magnetic recording layer which changes a lot after exceeding the saturation value. Therefore, the plastic card with a magnetic stripe of this invention is the best for the credit card of not rewriting, or the original use of an ATM card, after being published.

[0035] When a hologram exists on a magnetic recording layer, a magnetic recording layer is prevented from being exposed, and it becomes difficult [the magnetic printing which moves directly the information currently written in the magnetic recording layer to the magnetic stripe of another card] and the hologram which constitutes a hologram and a magnetic stripe -- an exterior -- it is beautiful, manufacture of itself is not easy, production of an imitation is difficult, and the plastic card with a magnetic stripe of this invention is a difficult plastic card with a magnetic stripe of forgery and alteration.

[0036] Next, the example of an experiment is shown and the plastic card with a magnetic stripe of this invention is explained still in detail.

(Example of an experiment) Apply to one side of 25-micrometer-thick polyester film each coating liquid which has the following presentation, and Stratum disjunctum (1.0 micrometer in thickness), The hologram formation layer (3.0 micrometers in thickness) was formed one by one, and the transparent continuous thin film layer (0.02 micrometer in thickness) was formed with zinc sulfide (ZnS) on the hologram formation layer. On the transparent continuous thin film layer, each coating liquid which has the following presentation was applied, the 2nd magnetic recording layer (10 micrometers in thickness), the 1st magnetic recording layer (10 micrometers in thickness), and an adhesive layer (5 micrometers in thickness) were formed one by one, and the transfer sheet was produced.

[0037] The hologram formation layer was constituted as a relief hologram, after forming a resin layer. The coating method was made into the gravure coating method.

(Coating liquid for stratum disjunctum formation)
 - Cellulose acetate resin -- 5 weight-section and methanol -- 25 weight-section and methyl ethyl ketone -- 45 weight-section and toluene -- 25 weight-section and methylolized melamine resin -- 0.5 weight-section and Para toluenesulfonic acid -- 0.05 weight section (coating liquid

for hologram formation stratification)

- Acrylic resin -- 40 weight-section and melamine resin -- 10 weight sections and cyclohexanone -- 50 weight-section and methyl ethyl ketone (coating liquid for the 2nd magnetic recording layer formation)
- γ -Fe₂O₃ (coercive force = 300 --) [Oe and] Curie point = 575 °C -- 36 weight-section and urethane resin -- 12 weight-section and toluene -- 20 weight-section and methyl ethyl ketone -- 15 weight-section and methyl isobutyl ketone -- 15 weight-section and the amount part of isocyanate hardening agent duplex (coating liquid for the 1st magnetic recording layer formation)
- Sr ferrite (coercive force = 6000 --) [Oe and] Curie point = 140 °C -- 36 weight-section and urethane resin -- 12 weight-section and toluene -- 20 weight-section and methyl ethyl ketone -- 15 weight-section and methyl isobutyl ketone -- 15 weight-section and isocyanate hardening agent The amount part of duplex (coating liquid for adhesives stratification)
- VCM/PVC/vinyl acetate copolymer -- 20 weight-section and acrylic resin -- 10 weight-section and ethyl acetate -- 20 weight-section and toluene -- Carry out the slit of the transfer sheet produced as mentioned above 50 weight section to 12.7-mm width, and it is considered as a transfer tape, Roll transfer of this transfer tape is carried out on condition of for 200 °C and 10-m/at a 100-micrometer-thick chloridation vinyl sheet. Then, the hologram and the magnetic stripe in which polyester film was exfoliated and an adhesives layer, the 1st magnetic recording layer, the 2nd magnetic recording layer, the transparent continuous thin film layer, and the hologram formation layer were laminated by this order were provided. Next, the chloridation vinyl sheet which provided the hologram and the magnetic stripe for the rigid-polyvinyl-chloride core with a thickness of 560 micrometers which printed the character and the pattern by offset printing beforehand as mentioned above, it bonded by thermo-compression and (for 150 °C and 10 minutes, 100 kg / cm²) unified in the state where it inserted with the chloridation vinyl sheet with an another thickness of 100 micrometers, and the plastic card with a magnetic stripe of this invention was obtained.

[0038] Thus, the produced plastic card with a magnetic stripe was heated at 120 °C, and after the saturation write current value of the 1st magnetic recording layer and the 2nd magnetic recording layer had been about 60 mA, magnetic information was recorded according to 80 mA of write current. And when it read after cooling a plastic card with a magnetic stripe, magnetic information was able to be read good with the output of about 500 mV.

[0039] Next, in a room temperature, another magnetic information is recorded on the plastic card with a magnetic stripe in which the above-mentioned magnetic information was recorded by 80 mA of write current.

Then, although the output of about 400-600 mV was obtained when read, two sorts of magnetic information were intermingled and magnetic information was not able to be read.

[0040]The produced plastic card with a magnetic stripe was heated at 100 **, and magnetic information was recorded by 80 mA of write current. And after cooling this plastic card with a magnetic stripe, when reading was performed, a reading output is about 300 mV and it was checked that record of the magnetic information to the 1st magnetic recording layer that is a high-coercive-force magnetic recording layer is insufficient.

[0041]The plastic card with a magnetic stripe of produced this invention, it had a hologram on the surface of the magnetic recording layer, and while existence of the hologram of the letter of a watermark which made the background an exterior and dark brown of the magnetic recording layer has recognized at a glance, even after the above heating was performed, degradation of the hologram effect was not seen at all.

[0042]

[Effect of the invention]As explained in full detail above, by this invention, the 1st magnetic recording layer and the 2nd magnetic recording layer which constitute a hologram and a magnetic stripe are heated in the Curie point of the magnetic recording layer which has a low Curie point thru/or the range of a temperature lower 30 ** than it.

Therefore, after supposing that it is the same in abbreviation of a saturation write current value and writing in both magnetic recording layer coincidence, it is difficult to rewrite the magnetic information of both magnetic recording layers simultaneously with the usual magnetic recording medium, and a saturation write current value, Since it changes with the distance of the coercive force of a magnetic recording layer, thickness, a ** material filling factor, a magnetic recording layer, and a magnetic head, etc., Since it is difficult to forge the hologram and magnetic stripe which has the same saturation write current value and it very difficult to find out the further above-mentioned heating conditions and saturation write current value, it being suitable for the use of not rewriting, after being published, and having a hologram simultaneously -- an exterior -- the difficult plastic card with a magnetic stripe of forgery and alteration can be obtained beautifully.

[Translation done.]

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行された後は書換えを実施しないという用途に適し、同時にホログラムを備え外観上美しく、かつ偽造、変造の困難な磁気ストライプ付きプラスチックカードを得ることができる。

【図面の簡単な説明】

【図1】本発明の磁気ストライプ付きプラスチックカードの一例を示す平面図である。

【図2】図1に示された磁気ストライプ付きプラスチックカードのII-II線断面図である。

【図3】図1に示された磁気ストライプ付きプラスチックカードのホログラム・磁気ストライプの構造を示すための概略断面図である。

【図4】本発明の磁気ストライプ付きプラスチックカードの製造に用いることのできる転写シートの一例を示す概略断面図である。

16

ドの製造に用いることのできる転写シートの一例を示す概略断面図である。

【符号の説明】

1…磁気ストライプ付きプラスチックカード

2…カード基体

3…コア

4, 5…オーバーシート

11…ホログラム・磁気ストライプ

12…接着剤層

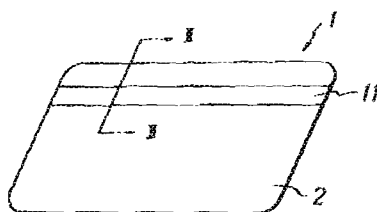
13…第1磁気記録層

14…第2磁気記録層

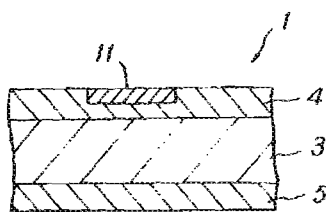
15…透明連続薄膜層

16…ホログラム形成層

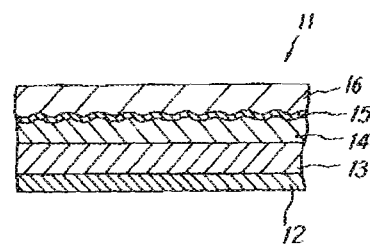
【図1】



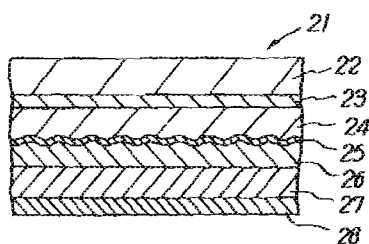
【図2】



【図3】



【図4】



フロントページの続き

(51) Int. Cl.⁵

G 0 6 K 19/06

G 1 1 B 5/80

識別記号

片内整理番号

F I

技術表示箇所

7303-5D

(72) 発明者 北見 公司

東京都新宿区市谷加賀町一丁目1番1号

大日本印刷株式会社内



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/068,227	02/04/2008	Sung-Chul Lee	P58549	3028
8439 7590 06/14/2011 ROBERT E. BUSHNELL & LAW FIRM 2029 K STREET NW SUITE 600 WASHINGTON, DC 20006-1004			EXAMINER KALAFUT, STEPHEN J	
			ART UNIT 1727	PAPER NUMBER
			NOTIFICATION DATE 06/14/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rebushnell@aol.com
mail@rebushnell.com
info@rebushnell.com



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JUN 14 2011

wk

Mailed :

In re Application of

Lee et al.

Serial No. 12/068,227

Filed: February 4, 2008

For: **FUEL REFORMING APPARATUS AND ITS METHOD OF
DRIVING AND FUEL CELL SYSTEM INCLUDING THE
APPARATUS**

DECISION ON
PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on May 10, 2011 to consider the Information Disclosure Statement (IDS) that were filed on April 5, 2011. The Examiner did not consider the copy of the Japanese Office Action issued on April 5, 2011 because there was no translation.

For non-English documents that are cited, the following must be provided:

(a) A concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, unless a complete translation is provided; and/or

(b) A written English language translation of a non-English language document, or portion thereof, if it is within the possession, custody or control of, or is readily available to any individual designated in 37 CFR 1.56(c).

Applicant at the time of submission Applicant did not provide a translation of the document or a concise explanation of the relevance of the Japanese Office Action. Applicant, in their petition request, has now provided an explanation of the relevance of the office action as it is presently understood by the individual designated most knowledgeable about the content of the information.

DECISION

Accordingly, the petition is **GRANTED**.

The Examiner is requested to consider the Japanese Office Action that was filed with the IDS on April 5, 2011.

/W. GARY JONES/
W. Gary Jones
Director, Technology Center 1700
Chemical and Materials Engineering

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09-30-10

TO SPE OF : ART UNIT 3637

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/068304 Patent No.: 7699180
Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Angela Green 703-756-1541
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ Approved

All changes apply.

☐ Approved in Part

Specify below which changes **do not** apply.

☐ Denied

State the reasons for denial below.

Comments: _____

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09-30-10

TO SPE OF : ART UNIT 3637

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/068304 Patent No.: 7699180
Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Angela Green 703-756-1541

**Certificates of Correction Branch
703-756-1814**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: A certified copy of the Foreign Priority was
submitted in parent application 11366819. /SP/

/Darnell Jayne/

3637

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
MAY 11 2011
OFFICE OF PETITIONS

In re Application of :
Chih-Yuan YANG : DECISION GRANTING PETITION
Application No. 12/068,350 : UNDER 37 CFR 1.137(b)
Filed: February 5, 2008 :
Atty. Docket No.: 5545/0368PUS1 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed March 5, 2008 (Notice), which set a shortened period of reply of two (2) months. As no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the application became abandoned on May 6, 2008. A Notice of Abandonment was mailed November 1, 2008.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of Response to the Notice, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Office of Patent Application Processing.

for Ramesh Krishnamurthy
David Bucci
Petitions Examiner
Office of Petitions



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ROBINSON INTELLECTUAL PROPERTY LAW OFFICE, P.C.
3975 FAIR RIDGE DRIVE
SUITE 20 NORTH
FAIRFAX, VA 22033

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of :
Taichi Kato :
Application No.: 12/068,399 : ON PETITION
Filed: February 6, 2008 :
Attorney Docket No.: 0756-8218 :

This is a decision on the petition, filed December 6, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 8, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2821 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/068,418	02/06/2008	Chee Phuat Tan	075496-0331	3499

EXAMINER	
FITZGERALD, JOHN P	

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
08/19/2010	PAPER

7590 08/19/2010
SCHLUMBERGER INFORMATION SOLUTIONS
5599 SAN FELIPE
SUITE 1700
HOUSTON, TX 77056-2722

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 19, 2010

SCHLUMBERGER INFORMATION SOLUTIONS
5599 SAN FELIPE
SUITE 1700
HOUSTON TX 77056-2722

In re Application of	:	
Chee Phuat Tan	:	DECISION ON PETITION
Application No. 12068418	:	
Filed: 02/06/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 075496-0331	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 6, 2008.

The petition is **GRANTED**.


A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.


Kimberly Terrell, Manager
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/068,418	02/06/2008	Chcc Phuat Tan	075496-0331	3499
48879 7590 09/20/2010 SCHLUMBERGER INFORMATION SOLUTIONS 5599 SAN FELIPE SUITE 1700 HOUSTON, TX 77056-2722			EXAMINER FITZGERALD, JOHN P	
			ART UNIT 2856	PAPER NUMBER
			MAIL DATE 09/20/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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September 20, 2010

SCHLUMBERGER INFORMATION SOLUTIONS
5599 SAN FELIPE
SUITE 1700
HOUSTON TX 77056-2722

In re Application of : **CORRECTED**
Chee Phuat Tan : **DECISION ON PETITION**
Application No. 12068418 :
Filed: 02/06/08 :
Attorney Docket No. 075496-0331 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 6, 2008. A decision granting this petition was mailed on August 19, 2010. This decision was in error and is reversed with the present decision. The drawings submitted with the petition on February 6, 2008 were objected to by the examiner in the non-final office action dated August 19, 2009. Replacement drawings were submitted on November 3, 2009. The replacement sheets were not submitted in color.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☒ 3 ☐

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager, Office of Data Management
Publications Branch



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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of :
Shih-Feng Wu :
Application No. 12/068,541 : DECISION ON PETITION
Filed: February 7, 2008 :
Attorney Docket No. 5545/0290PUS1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed February 28, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on April 29, 2008. A Notice of Abandonment was mailed November 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an examination fee of \$110, a search fee of \$270, a basic filing fee of \$165, and a surcharge fee of \$65 (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received July 8, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Joe McKinney Muncy
P.O. Box 1364
Fairfax, VA 22038-1364



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MUNCY GEISSLER OLDS & LOWE, PLLC
4000 LEGATO ROAD, SUITE 310
FAIRFAX, VA 22033

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of

Kenneth LIU

Application No. 12/068,542

Filed: February 7, 2008

Attorney Docket No. **5545/0370PUS1**

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 28, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 29, 2008.

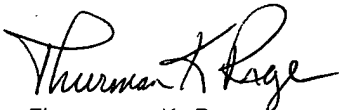
It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the basic filing fee of \$165, surcharge fee of \$65, search fee of \$270 and examination fee of \$110, (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The address given on the petition differs from the address of record. A change of address maybe necessary and should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received July 26, 2010.



Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **JOE MCKINNEY MUNCY**
P.O. BOX 1364
FAIRFAX, VA 22038-1364



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MAILED

AUG 03 2010

OFFICE OF PETITIONS

**ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE, SUITE 101
ELLICOTT CITY MD 21043**

In re Application of	:	
Le Huang CHEN	:	
Application No. 12/068,646	:	ON PETITION
Filed: February 8, 2008	:	
Attorney Docket No. MR1683-912	:	

This is a decision on the petition, filed May 10, 2010, which is requesting that the requirement be waived or suspended pursuant to 37 CFR 1.183.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 3, 2008. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 4, 2008. A Notice of Abandonment was mailed November 10, 2008.

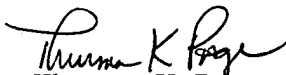
In the petition filed May 10, 2010, petitioner has requested waiver of the requirement for any petition fees in regard to reinstatement of the above-identified application. Petitioner asserts that the facts surrounding the requirement for the petition has created an extraordinary situation and that justice requires the Director of Patents and Trademarks to suspend the rules where the applicants did everything necessary to ensure a proper filing and payment of all required fees. Petitioner further asserts that Attorney Bruce Troxel was appointed attorney to prosecute the above-identified application in the USPTO. However, Mr. Troxel failed to pay the required fees to the Office in response to the Notice mailed March 3, 2008. Petitioner states "the fees were paid to Mr. Troxel and a filing receipt was received, thus applicants had no reason to believe any other actions were required on their part and are completely and totally harmless."

37 CFR 1.183 provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner.

The petition cannot be granted under 37 CFR 1.183 because reliance on Attorney Troxel to pay the required fees, is not considered an extraordinary situation and no other extraordinary circumstances have been presented. Based on the facts presented, the Office will not waive the rules.

As authorized, the petition fee under 37 CFR 1.183 is being charged to Deposit Account No. 18-2011.

Telephone inquiries regarding this communication should be directed to Diane Goodwyn at (571) 272-6735.


Thurman K. Page
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Le Huang Chen	:	
Application No. 12/068,646	:	DECISION ON REQUEST FOR REFUND
Filed: February 8, 2008	:	
Attorney Docket No. MR1683-912	:	

This is a decision on the Request For Refund filed August 19, 2010.

The request is **GRANTED**.

As authorized, the \$ 400.00 petition fee charged on May 10, 2010, is being credited to petitioner's deposit account.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/068,677	02/11/2008	Masato Matsumoto	01-1626	5874
23400 7590 05/05/2011 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191				
			EXAMINER CHRISS, ANDREW W	
			ART UNIT 2472	PAPER NUMBER
			NOTIFICATION DATE 05/05/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com



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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of: MATSUMOTO, MASATO
Application No. 12068677
Filed: February 11, 2008
For: WIRELESS COMMUNICATION METHOD
AND APPARATUS

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 C.F.R.
1.102(d)

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

MAY 05 2011

MAILED

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 10, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English; and (c) a statement that the English translation is accurate.

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

(6) Applicant must submit (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

Hassan Kizou
Supervisory Patent Examiner
Technology Center 2400

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: **KIMB3011/BEU**

Patent Number: **7663435**

Filing Date
(or 371(b) or (f) Date): **2008-02-11**

Issue Date: **2010-02-16**

First Named
Inventor: **Bumman Kim**

Title: **DOHERTY AMPLIFYING APPARATUS USING A HARMONIC CONTROL CIRCUIT**

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature **/ThomasJMoore/**

Date **2010-08-12**

Name
(Print/Typed) **Thomas J. Moore**

Registration Number **28974**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/18/2010

Applicant	: Bumman Kim	: DECISION ON REQUEST FOR
Patent Number	: 7663435	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/068,684	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/11/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **54** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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OCT 08 2010

OFFICE OF PETITIONS

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

In re Application of
Teng, et al.
Application No.: 12/068,750
Filed: February 11, 2008
Attorney Docket No. **7000.194**

:
:
: ON PETITION
:
:

This is in response to the petition under 37 CFR 1.137(b) filed August 4, 2010.

The petition under 37 CFR 1.137(b) is **granted**.

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on March 5, 2008, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required payment of the filing, search, and examination fees and a surcharge for the late payment of the same. A response was not received within the allowable period, and the application became abandoned on May 6, 2008. A Notice of Abandonment was mailed on November 10, 2008.

The fees are of record as of August 4, 2010.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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OCT 08 2010

OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

In re Application of :
Chih-Wei LO, et al :
Application No. 12/068,759 : **DECISION ON PETITION**
Filed: February 11, 2008 :
Attorney Docket No. BHT-3226-127 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed September 14, 2009. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for further pre-examination processing.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Cc: JOE MCKINNEY MUNCY
PO BOX 1364
FAIRFAX, VA 22038-1364



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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

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FEB 04 2011

OFFICE OF PETITIONS

In re Application of :
Hiroshi Kato et al :
Application No. 12/068,792 :
Filed: February 12, 2008 :
Attorney Docket No. SEJP-3911/STP :

ON PETITION

This is a decision on the petition, filed February 3, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 3, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language: "The person for whom the Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85)."



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ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

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MAR 24 2011

OFFICE OF PETITIONS

In re Application of :
Akos Horvath, et. al. :
Application No. 12/068,834 :
Filed: February 12, 2008 :
Attorney Docket No. NAI1P669/07.117.01 :

**DECISION ON PETITION
TO WITHDRAW FROM
RECORD**

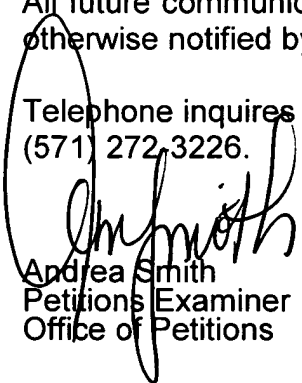
This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed February 25, 2011.

The request is **MOOT**.

A review of the file record indicates that any previous power of attorney was revoked by the assignee of the entire interest on February 24, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the new address of record until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



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Wang Law Firm, Inc.
4989 Peachtree Parkway,
Suite 200
Norcross GA 30092

MAILED

AUG 26 2010

OFFICE OF PETITIONS

In re Application of :
Yung-yung Sun et al. :
Application No. 12/068,855 : **DECISION ON PETITION**
Filed: February 12, 2008 :
Attorney Docket No. T-001.P080/2245- :
053AUS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed March 6, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 7, 2008. A Notice of Abandonment was mailed November 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a surcharge fee of \$65, an examination fee of \$110, a basic filing fee of \$82 and a search fee of \$270, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received June 1, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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INVENTION QUEBEC INC.
8065, BOUL. VIAU SUITE 202
MONTREAL QC H1R 2T2
CANADA

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OFFICE OF PETITIONS

In re Application of :
Raymond Fargeot :
Application Number: 12/068873 : **ON PETITION**
Filing Date: 02/13/2008 :
Attorney Docket Number: 9500-1 :
:

This is a decision in reference to the petition to withdraw the holding of abandonment, filed on October 26, 2010. This is also a decision on the petition, filed on December 20, 2010, to revive the application under 37 CFR 1.137(b).

The petition to withdraw the holding of abandonment is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned on June 26, 2010, for failure to timely file the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on March 25, 2010, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on July 12, 2010.

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Petitioner, *pro se*, asserts that the Notice of Allowance and Fee(s) Due mailed on March 25, 2010 was never received at the address on file.

A review of the record indicates no irregularity in the mailing of the Notice of Allowance and Fee(s) Due mailed on March 25, 2010, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance and Fee(s) Due mailed on March 25, 2010 was properly mailed to the address of record. This presumption may be overcome by showing that the Notice of Allowance and Fee(s) Due mailed on March 25, 2010, was not in fact received.

MPEP 711.03(c) states:

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted

as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

(emphasis added)

The showing of record is insufficient to merit withdrawal of the holding of abandonment. At the outset, petitioner states that Sylvie Brisson, President of Invention Quebec Inc. (hereinafter "IQ") informed petitioner that the Notice of Allowance and Fee(s) Due was not received, and that Brisson informed petitioner that the attached record is a complete and exact reproduction of the calendar where IQ dockets incoming mail from the USPTO.

As any petition must be supported by affidavits or declarations of facts by persons with first-hand knowledge, setting forth the facts as they know them, an affidavit or declaration of facts from Brisson must be provided with any renewed petition. Brisson's affidavit or declaration of facts must state that the Notice of Allowance and Fee(s) Due (Notice) was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Notice was not received. A copy of the record(s) used by Brisson where the non-received Notice would have been entered had it been received is required.

Further, petitioner has not stated whether or not a master docket exists, as specified above.

Lastly, as the entries provided on the calendar are in a foreign language, an English translation of the calendar entries must also be provided, as well as a statement that the translation is accurate.

As such the application is properly held abandoned.

The petition is DISMISSED.

PETITION UNDER 37 CFR 1.137(b)

Receipt of the issue fee, publication fee, and petition fee is acknowledged.

The petition is GRANTED.

The application is referred to the Office of Data Management for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA, GA 30326

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Application of :
Feng-Ku Wang, et al. :
Application No. 12/068,909 : DECISION ON PETITION
Filed: February 13, 2008 :
Attorney Docket No. 15042-73602 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

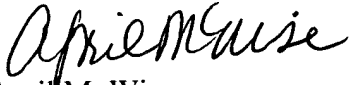
This application became abandoned for failure to timely pay the issue and publication fees on or before May 23, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 23, 2010. Accordingly, the date of abandonment of this application is May 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

A handwritten signature in cursive script, reading "April M. Wise".

April M. Wise
Petitions Examiner
Office of Petitions

APPROVED: /D.L./

12/21/2010

PATENT
DOCKET NO.: 10517-388

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Tatsuya IMAMURA, et al.
Group Art Unit : 2837 Conf. No. **7193**
Application No. : 12/068,948
Filed : 13 February 2008
Docket No. : **10517/388**
For : **CONTROL DEVICE FOR POWER TRAIN**
PATENT NO. : : **7,794,357 B2** Issued 14 September 2010

CERTIFICATE OF CORRECTION BRANCH

COMMISSIONER FOR PATENTS

P. O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 C.F.R § 1.322 & § 1.323

SIR:

It is respectfully requested that the enclosed certificate of correction be issued for the above Patent under authority of 35 USC §§354 & 355.

The changes represent correction of minor errors which were not previously discovered.

\$100.00 to cover the fee under 37 C.F.R. 1.20(a) is being paid by credit card. If any additional fee is required, please charge Deposit Account No. 11-0600.

Respectfully submitted,

Dated: 16 November 2010

/Shawn W. O'Dowd/

Shawn W. O'Dowd

(Reg. No. 34,687)

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, DC 20005

Tel: (202) 220-4200

Fax: (202) 220-4201

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,794,357 B2 Page 1 of 1
DATED : 14 September 2010
FILED : 13 February 2008
INVENTOR(S) : Tatsuya IMAMURA, et al.

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

<u>Column</u>	<u>Line</u>	
3	30	Change "is a largest" to --is at a maximum--.
8	52	Change "toque" to --torque--.
12	25	Change "let it assumed" to --let it be assumed--.
14	43	Change "a portion" to --the portion--.
14	45	Change "being a" to --being at--.
14	46	Change "largest" to --a maximum--.
14	48	Change "a portion" to --the portion--.
14	54	Change "a portion" to --the portion--.
14	59	Change "a portion" to --the portion--.
15	33	Change "a portion" to --the portion--.
15	38	Change "a portion" to --the portion--.
15	44	Change "a portion" to --the portion--.
16	24	Change "a portion" to --the portion--.
16	29	Change "a portion" to --the portion--.

MAILING ADDRESS OF SENDER:

Shawn W. O'Dowd
KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, DC 20005

Patent No.: 7,794,357 B2

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101221

DATE : November 26, 2010

TO SPE OF : ART UNIT 3655

SUBJECT : Request for Certificate of Correction on Patent No.: 7794357

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/DAVID D LE/
Supervisory Patent Examiner.Art Unit 3655
12/21/2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Charles E. Lykes, Jr., Esq.
1172 Brownell Street
Suite A
Clearwater FL 33756-5707

MAILED

FEB 02 2012

OFFICE OF PETITIONS

In re Application of
STARR DEWITT
Application No. 12/069,007
Filed: January 24, 2008
Attorney Docket No. IMPROVED
CARRYING 2006052

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 18, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional petition fee is necessary.

The application became abandoned for failure to file a timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed August 2, 2010, which set a three-month shortened statutory period for reply. No extensions of the response period were obtained. Accordingly, the application became abandoned on November 3, 2010. The Office mailed a Notice of Abandonment on March 2, 2011. On November 18, 2011, petitioner filed the present petition under 37 CFR 1.137(b), accompanied by a reply to the outstanding final Office action. On January 12, 2012, petitioner paid the requisite petition fee.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed.
- (2) The petition fee as set forth in 37 CFR 1.17(l);

- This petition lacks item (1) above.

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The Office reminds petitioner that in a nonprovisional application abandoned for failure to reply to a final action, the reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

Petitioner must submit a renewed petition under 37 CFR 1.137(b), accompanied by a proper reply to the outstanding final Office action signed by the practitioner. No additional petition fee is required for the filing of a renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Charles E. Lykes, Jr., Esq.
1172 Brownell Street
Suite A
Clearwater FL 33756-5707

MAILED
MAR 14 2012
OFFICE OF PETITIONS

In re Application of
STARR DEWITT
Application No. 12/069,007
Filed: January 24, 2008
Attorney Docket No. IMPROVED
CARRYING 2006052

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 1, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional petition fee is necessary.

The application became abandoned for failure to file a timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed August 2, 2010, which set a three-month shortened statutory period for reply. No extensions of the response period were obtained. Accordingly, the application became abandoned on November 3, 2010. The Office mailed a Notice of Abandonment on March 2, 2011.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed.
- (2) The petition fee as set forth in 37 CFR 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

The present petition does not satisfy requirement (1) above.

With the present petition, petitioners submitted arguments in response to the final Office action. However, the examiner determined that the reply in the form of arguments does not *prima facie* place the application in condition for allowance. The Office reminds petitioner that in a nonprovisional application abandoned for failure to reply to a final action, the reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

With any renewed petition, petitioner must submit a proper reply to the outstanding final Office action.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the electronic filing system of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 16 11 Paper No.: _____
 TO SPE OF : ART UNIT 3676
 SUBJECT : Request for Certificate of Correction for Appl. No.: 12/069,130 Patent No.: 7435034
 CofC mailroom date: 12/28/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Check Claims

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Erms Young
 Certificates of Correction Branch
703-756-1814
571 272 3435

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

[Signature]
 SPE

3676
 Art Unit



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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 30 2011

OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
P.O BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	DECISION ON APPLICATION FOR
Whitlock, et al.	:	PATENT TERM ADJUSTMENT
Application No. 12/069,180	:	
Filed: February 7, 2008	:	
Dkt. No.: 06275-613001/102668-1 US	:	

This is a decision on the petition filed on September 26, 2011 requesting that the patent term adjustment, as reflected on the Determination of Patent Term Adjustment, be corrected to indicate that, as of the time of allowance, the above-identified application is entitled to a patent term adjustment of 102 days.

The petition to correct the patent term adjustment indicated on Determination of Patent Term Adjustment to indicate that the patent term adjustment to date is 102 days is **GRANTED**.

The Office acknowledges receipt of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Attached please find copy of the adjusted PAIR calculation.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

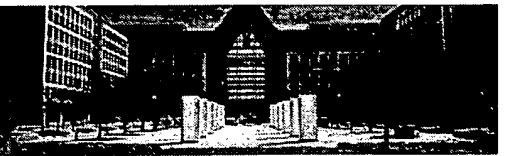
/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosure



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12069180 [Search](#) [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 12069180

Application Filing Date	02/07/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	302
A Delays	302	PTO Manual Adjustment	2
B Delays	0	Applicant Delay (APPL)	202
C Delays	0	Total PTA (days)	102

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
72	09/27/2011		P028	Adjustment of PTA Calculation by PTO		86	0
71	09/27/2011		P028	Adjustment of PTA Calculation by PTO	88		0
56	06/27/2011		MN/ =.	Mail Notice of Allowance			0
55	06/22/2011		OAR	Office Action Review			0
54	06/22/2011		OAR	Office Action Review			0
53	06/22/2011		DVER	Document Verification			0
52	06/22/2011		N/ =.	Notice of Allowance Data Verification Completed			0
51	06/22/2011		IREV	Issue Revision Completed			0
50	06/18/2011		EX.A	Examiner's Amendment Communication			0
49	06/18/2011		CNTA	Allowability Notice			0
45	04/15/2011		FWDX	Date Forwarded to Examiner			0
48	04/13/2011		IDSC	Information Disclosure Statement considered			0
47	04/13/2011		RCAP	Reference capture on IDS			0
46	04/13/2011	04/13/2011	EIDS.	Electronic Information Disclosure Statement			44
44	04/13/2011	01/15/2011	A...	Response after Non-Final Action		88	39
43	04/13/2011		XT/G	Request for Extension of Time - Granted			0
42	04/13/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
41	10/15/2010		ELC_RVW	Electronic Review			0
40	10/15/2010		EML_NTF	Email Notification			0
39	10/15/2010		MCTNF	Mail Non-Final Rejection			0
38	10/12/2010		CTNF	Non-Final Rejection			0
36	08/21/2010		P574	Paralegal TD Accepted			0
35	08/21/2010		P574	Paralegal TD Accepted			0
34	08/21/2010		P574	Paralegal TD Accepted			0
30	08/05/2010		FWDX	Date Forwarded to Examiner			0
37	08/03/2010		IDSC	Information Disclosure Statement considered			0
33	08/03/2010	08/03/2010	DIST	Terminal Disclaimer Filed			29
32	08/03/2010		DIST	Terminal Disclaimer Filed			0
31	08/03/2010		DIST	Terminal Disclaimer Filed			0
29	08/03/2010	05/03/2010	A...	Response after Non-Final Action		92	22
28	08/03/2010		XT/G	Request for Extension of Time - Granted			0
27	08/03/2010		RCAP	Reference capture on IDS			0
26	08/03/2010		M844	Information Disclosure Statement (IDS) Filed			0
25	08/03/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
24	02/04/2010		ELC_RVW	Electronic Review			0
23	02/03/2010		EML_NTF	Email Notification			0
22	02/03/2010	04/07/2009	MCTNF	Mail Non-Final Rejection	302		0.5
21	01/28/2010		CTNF	Non-Final Rejection			0
17	10/10/2008		EML_NTR	Email Notification			0
16	10/09/2008		DOCK	Case Docketed to Examiner in GAU			0
15	10/09/2008		PG-ISSUE	PG-Pub Issue Notification			0
14	10/03/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
12	07/08/2008		OIPE	Application Dispatched from OIPE			0
11	06/27/2008		PGPC	Sent to Classification Contractor			0
10	06/27/2008		FLRCPT.U	Filing Receipt - Updated			0
9	06/27/2008		COMP	Application Is Now Complete			0
8	06/20/2008	05/29/2008	FLFEE	Payment of additional filing fee/Preexam		22	4
7	06/20/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant			0
6	06/20/2008		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems			0
13	06/17/2008		RQPR	Request for Foreign Priority (Priority Papers May Be Included)			0
5	02/29/2008		FLRCPT.O	Filing Receipt			0
4	02/29/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
3	02/19/2008		L194	Cleared by OIPE CSR			0
2	02/14/2008		SCAN	IFW Scan & PACR Auto Security Review			0
1	02/08/2008		IEOX	Initial Exam Team nn			0
0.5	02/07/2008		EFILE	Filing date			0

Export to: [Excel](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,185	02/07/2008	Marc DeVincentis	2447.032US1	5168

21186	7590	02/01/2012
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.		
P.O. BOX 2938		
MINNEAPOLIS, MN 55402		

EXAMINER	
VU, JIMMY T	

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
02/01/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
request@slwip.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 30, 2012

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of
DEVINCENTIS, MARC, et al
Application No: **12/069185**
Filed: **02/07/2008**
Attorney Docket No: **2447.032US1**

:
: **DECISION ON PETITION**
:

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 7, 2008.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571- 576-1565.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED
MAR 21 2012

OFFICE OF PETITIONS

In re Application of
DeVincentis et al.
Application No. 12/069,185
Filed: 02/07/2008
Attorney Docket No. 2447.032US1

DECISION ON PETITION

ACCEPTANCE OF
COLOR DRAWINGS

This is a decision on the renewed petition under 37 C.F.R. 1.84(a)(2) received in the United States Patent and Trademark Office (USPTO) on February 2, 2012.

The petition is **GRANTED**.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

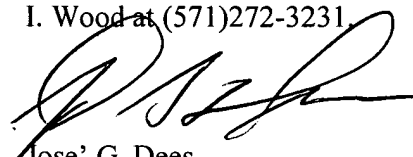
- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore the petition is **GRANTED**.

The application is referred to the Office of Patent Publications for further processing.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.


Jose G. Dees
Petitions Examiner
Office of Petitions



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of
Khan et al
Application No.: 12/069,401
Filing Date: 08 February 2008
Attorney's Docket No.: 2183.03-6384.2 US
For: Immunoregulatory compositions

: DECISION ON
:
:
: PETITION UNDER
:
: 37 CFR § 1.55(c)

MAILED
APR 08 2011

PCT LEGAL ADMINISTRATION

This is in response to applicants' communication "PETITION UNDER 37 C.F.R. § 1.78(a)(3) FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED PRIORITY CLAIMS" filed 16 November 2010, which is being treated as a petition under 37 CFR 1.55(c).

The petition is **DISMISSED**.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant petition fails to comply with item (2) above. The foreign priority information is not contained in an executed declaration or in ADS as required by 1.63(c)(2).

In addition, the present application is not currently entitled to the benefit of either PCT applications because MPEP 201.11, Section C., (Benefit Claims to Multiple Prior Application), states in the relevant part, "The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A." (**Emphasis added**)

In the present case, intermediate applications 10/753,510 and 10/262,522 do not contain proper references to international applications PCT/NL01/00259 and PCT/NL02/00639. In particular, application 10/753,510 specifies an incorrect international filing date for international application PCT/NL01/00259 and fails to specify the international filing date for international application PCT/NL02/00639 as required by 37 CFR 1.78(a)(2)(i). Similarly, applicant 10/262,522 specifies an incorrect international filing date for international application PCT/NL01/00259.

Moreover, the unexecuted supplemental declaration includes foreign priority claims to international applications PCT/NL01/00259 and PCT/NL02/00639. However, since the international applications were filed more than one year prior to the applications from which the present application claim benefit under 35 U.S.C. 120, the present application cannot claim foreign priority to the international applications.

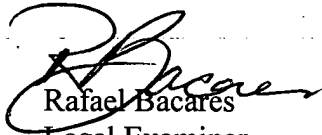
CONCLUSION

For the reasons above, the petition under 37 CFR 1.55(c) is **DISMISSED**.

Further correspondence with respect to this matter should be addressed as follows:

Any inquiries concerning this decision may directed to Rafael Bacares at (571) 272-3276. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center Art Unit 1654.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares
Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



Bryan Lin
Legal Examiner
PCT Legal Administrative Office



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,401	02/08/2008	Nisar Ahmed Khan	2183.03-6084.2US	7044
24247	7590	11/08/2011	EXAMINER	
TRASKBRITT, P.C.			LUKTON, DAVID	
P.O. BOX 2550			ART UNIT	PAPER NUMBER
SALT LAKE CITY, UT 84110			1654	
			NOTIFICATION DATE	DELIVERY MODE
			11/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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NOV - 8 2011

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of: :
Khan et al. :
Serial No.: 12/069,401 : SUSPENSION OF ACTION
Filed: February 8, 2008 :
Attorney Docket No.: 2183.03-6084.2US :

This is in reply to the petition under 37 CFR 1.103(c) to suspend action in this application at applicants' request for a three month period of time, filed October 6, 2011.

BACKGROUND

Applicants state that "Pursuant to 37 C.F.R. § 1.103(c), and in conjunction with the Request for Continued Examination and Amendment filed herewith, applicants petition for a suspension of action by the Office for a period of three months."

DISCUSSION

§ 1.103 Suspension of action by the Office.

(c) *Limited suspension of action after a request for continued application (RCE) under § 1.114.* On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph after the filing of a request for continued examination in compliance with § 1.114 for a period not exceeding three months. Any request for suspension of action under this paragraph must be filed with the request for continued examination under § 1.114, specify the period of suspension, and include the processing fee set forth in § 1.17(i).

DECISION

In view of the above, the petition for suspension of action is **GRANTED** for three months as of October 16, 2011.

Should there be any questions with respect to this action, please contact the examiner or Marianne Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office general facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,405	02/11/2008	Henry Jose Salazar		7037
54569 7590 05/24/2011 RUBEN ALCOBA, ESQ. 3399 NW 72 AVENUE SUITE211 MIAMI, FL 33122				
			EXAMINER CHEUNG, CALVIN K	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 05/24/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT – IP
SYCAMORE BUILDING – 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

MAILED

SEP 20 2010

In re Application of	:	OFFICE OF PETITIONS
Michael Gomer Stelljes Jr.	:	
Application No. 12/069,412	:	DECISION ON PETITION
Filed: February 8, 2008	:	
Attorney Docket No. 9372E	:	

This is a decision on the petition, filed August 5, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.


This application was held abandoned for failure to timely respond to the Office action of December 24, 2009, which set a three (3) month shortened statutory period for reply. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before March 24, 2010.

Petitioner states "On 3/18/2010, Applicants submitted a Reply to this office action and submitted a corrected reissue declaration. This Reply also included a preliminary amendment." Office records show the reissue declaration and the preliminary amendment was filed on March 18, 2010 in 10/673,659, which is the parent application.

The petition satisfies the requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of December 24, 2009 is hereby withdrawn and the application restored to pending status.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 1783 for appropriate action in the normal course of business on the reply received March 18, 2010.


Irvin Dingle
Petition Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

SEP 23 2010

OFFICE OF PETITIONS

KENNETH O. RUSSELL
2056 ANTOINE #341
HOUSTON, TX 77055

In re Application of Russell	:	
Application No. 12/069,505	:	Decision on Petition
Filing Date: February 11, 2008	:	
Attorney Docket No. 08021	:	

This is a decision on the petition under 37 CFR 1.137(b) filed April 14, 2010, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(b) is **dismissed as moot**.

Facts

The application was filed February 11, 2008. The transmittal sheet stated correspondence should be sent to the following address:

Edward P. Black
P.O. Box 11690
Klein, TX 77391

The declaration filed February 11, 2008, stated correspondence should be sent to the following address:

Ken Russell
2056 Antoine #341
Houston, TX 77055

The declaration identified the mailing address for the sole inventor as follows:

Kenneth O. Russell
2056 Antoine #341
Houston, TX 77055

Pursuant to MPEP 403, when the correspondence address on an application transmittal sheet is different than the address identified in a declaration, the Office will use the address on the application transmittal sheet. Therefore, the Office entered the address on the application transmittal sheet as the address of record.

During early May 2009, attorney Black relocated his office. However, attorney Black did not request the Office change the address of record.

On May 15, 2009, the Office mailed a non-final Office action including a requirement for restriction/election to the address on the application transmittal sheet. The Office action set a shortened statutory period for reply of one (1) month or thirty (30) days, whichever is later.

The United States Postal Service returned the May 15, 2009 Office action undelivered to the Office on May 26, 2010. The returned envelope included a stamp stating,

Box Closed
Unable to Forward
Return to Sender

The Office did not receive a response to the May 15, 2009 Office action. As a result, the Office mailed a Notice of Abandonment on November 24, 2009, to the address on the application transmittal sheet.

The instant petition was filed April 14, 2010.

Discussion

Under Office policy, if an Office action is mailed to an address for an attorney or agent and is returned undelivered, the Office will send a letter, along with a copy of the Office action, to the first named inventor or assignee (if available) informing him or her of the returned action. The Office will also restart the time period to reply to the Office action to run from the mailing date of the letter informing the inventor or assignee of the returned action. *See* MPEP 707.13. In this case, the Office failed to send a copy of the Office action to the inventor and restart the period for reply. Therefore, the application is not abandoned.

The holding of abandonment is hereby withdrawn.

Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(b) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the Office has scheduled a refund of the \$810 petition fee.

The address listed on the petition is a new address for Attorney Black and a request to change the address of record to the new address was filed with the petition. However, the request to change the address of record cannot be accepted. Although the request is signed by Attorney Black, the record does not include any paper giving a power of attorney to Attorney Black. A courtesy

copy of this decision is being mailed to the address given on the petition; however, absent the filing of a proper request to change the address of record, the Office will mail all future correspondence solely to the following address of record:

Kenneth O. Russell
2056 Antoine #341
Houston, TX 77055

The petition and the request to change the address of record identify the application number for the application as "20090203656." Although the publication number for the application is "20090203656," the application number is not "20090203656." *The correct application number is 12/069,505.*

Technology Center Art Unit 1614 will be informed of the instant decision and the application, including the response to the restriction requirement filed April 14, 2010, will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Edward P. Black
115 St. Donovan St.
Fort Worth, TX 76107



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RONALD J. KOCH
698 MORRISON RD., SUITE B
COLUMBUS OH 43213

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Paul Duda	:	
Application No.: 12/069584	:	DECISION ON
Filing or 371(c) Date: 02/11/2008	:	PETITION
Attorney Docket Number:	:	
DUDA.PAUL.12069584	:	

This is a decision on the Petition Under 37 C.F.R. 1.137(b)," filed August 6, 2010.

This Petition is hereby **dismissed**.

Any reconsideration request must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

On February 11, 2008, Applicant filed application no. 12/069584, and included in the Application Transmittal Letter a priority claim, albeit improper, to application no. 11/986,279. Applicant also noted on the application Transmittal Form "Ignore Original." The application included a Specification, Claims, an Abstract and Drawings, and an oath/declaration identifying as the application no. 11/986279, filed 11/21/07. No application filing fees filing, search or examination), were included.

On April 14, 2008, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, requiring the basic filing fee of \$155.00. The Notice also required replacement drawings, and a surcharge for the late submission of the filing fee, in the amount of \$65.00. The Notice stated that the additional fees required for this application was \$580.00, including \$155.00 for the basic filing fee, and \$65.00 for the surcharge. The additional \$255.00 due was apparently for the Search Fee; however, the Notice did not specifically enumerate this fee.

On April 28, 2008, in response to the Notice, Applicant submitted \$385.00. The Office allocated the \$385.00 as follows:

\$155.00	Application Filing Fee (small entity)
\$105.00	Application Examination Fee (small entity)
\$65.00	Surcharge for late submission of the filing fee (small entity)
<u>\$60.00</u>	Held awaiting additional funds from Applicant
\$385.00	

Applicant also filed on April 28, 2008, a letter explaining that he had submitted \$525.00 with the filing of application no, 11/986279, and was refunded \$385.00. After receiving the Notice to File Missing Parts of Nonprovisional Application in application no 12/069584, Applicant contacted the Office and was informed that the Office would not tie application 12/069584 with application 11/986279. Applicant then re-submitted the \$385.00 "to complete the patent application fee." Letter dated April 24, 2008 (in application 12/069,584). Applicant also included an oath/declaration, a specification, claims, abstract, drawings.

On June 9, 2008, this Office mailed a Notice of Incomplete Reply (Nonprovisional), informing Applicant that \$195.00 remained due for this application, which consisted of the search fee, \$255.00 but that the previous payment of \$60.00 would be applied to the additional outstanding search fee.

The present petition

Applicant files the present petition and avers that the balance of \$195.00 is included via PTO-2038 (Credit Card Payment Form).

Office records

A review of Office Finance records reveals that this Office received with the present petition the petition fee, \$810.00, only.

A Grantable Petition Under 37 CFR 1.137(b)

A grantable petition pursuant to this paragraph must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The required reply

As to item (1), the reply does not include the balance of the search fee as required by the Notice.

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include a reply to the Notice's requirement for the balance of the search fee. If applicant has evidence that the balance of the search fee, \$195.00, was submitted with the present petition, Applicant should provide such evidence in any renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RONALD J. KOCH
698 MORRISON RD., SUITE B
COLUMBUS OH 43213

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Paul Duda	:	
Application No.: 12/069584	:	DECISION ON
Filing or 371(c) Date: 02/11/2008	:	PETITION
Attorney Docket Number:	:	
DUDA.PAUL.12069584	:	

This is a decision on the renewed Petition Under 37 C.F.R. 1.137(b),” filed November 30, 2010, and supplemented on December 2, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application (“Notice”), mailed April 14, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No complete and proper response having been received, the application became abandoned July 15, 2008. A Notice of Abandonment was mailed April 7, 2009.

Applicant files the present petition and the balance of the search fee in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing (“OPAP”) for processing of the reply to the Notice, and for continued processing in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Jun-11

JAMES D. PETRUZZI
4900 WOODWAY STE 745
HOUSTON TX 77056

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Application of :
Blitz et al. :
Application No. 12/069,678 : ON PETITION
Filed: 02/12/2008 :
Attorney Docket No. MMN-500-002 :
:

This is a decision in response to the petition under 37 CFR 1.137(b) filed on June 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on December 2, 2010, for failure to timely file a reply to the Office action requiring restriction and/or election mailed on November 1, 2010, which set a one (1) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on May 16, 2011.

Receipt of the response to restriction filed on June 1, 2011 is acknowledged.

The application is referred to the Technology Center Art Unit 3637 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 8,110,882 B2
Ser. No. : 12/069,689
Inventor(s) : Aoki
Issued : Feb. 7, 2012
Title : SEMICONDUCTOR DEVICE WITH MAGNETIC POWDER MIXED
THEREIN AND MANUFACTURING METHOD THEREOF
Docket No. : 08082/LH
Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1. 17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) **272-3435** or (703) 756-1814



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

JUN 28 2011

OFFICE OF PETITIONS

**RICHARD A. HAASE (INVENTOR)
4402 RINGROSE DRIVE
MISSOURI CITY TX 77459**

In re Application of :
Richard Alan HAASE : ON PETITION
Application No. 12/069,708 :
Filed: February 12, 2008 :
Atty. Docket No.: CV-56 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed October 6, 2010, which set a shortened statutory period for reply of three (3) months. No reply was sent, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned January 7, 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the non-final Office action mailed October 6, 2010, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 1742 for further action on the filed Response.

Anthony Knight
Director
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12069758	
Filing Date	13-Feb-2008	
First Named Inventor	Yuliya Lavrova	
Art Unit	2192	
Examiner Name	TODD AGUILERA	
Attorney Docket Number	MIC-771	
Title	Methods for visual representation of macros language	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		84738 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(1)(iv) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		47604 <hr/>
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Scott S. Kokka/	
Name	Scott S. Kokka	
Registration Number	51893	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 5, 2012

In re Application of :

Yuliya Lavrova

Application No : 12069758

Filed : 13-Feb-2008

Attorney Docket No : MIC-771

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 5, 2012

The request is **APPROVED**

The request was signed by Scott S. Kokka (registration no. 51893) on behalf of all attorneys/agents associated with Customer Number 84738 . All attorneys/agents associated with Customer Number 84738 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 47604 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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CTS Corporation
2375 Cabot Drive
Lisle IL 60532

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of
REDDY R. VANGALA
Application No. 12/069,763
Filed: February 13, 2008
Attorney Docket No. **WC0192**

DECISION ON PETITION

This is a decision on the petition, filed July 6, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of October 21, 2009, which set a three (3) month shortened statutory period for reply. A reply was due on or before January 21, 2010.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of the postcard receipt which acknowledges receipt of the reply by the U.S. Patent and Trademark Office (USPTO) on January 26, 2010. A copy of the previously submitted reply bearing a Certificate of Mailing dated January 21, 2010, accompanies the petition.

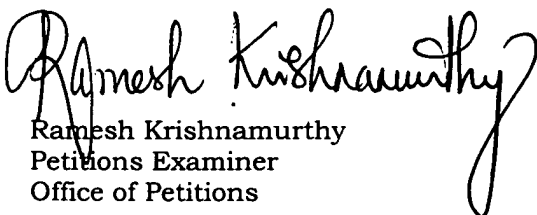
The reply acknowledged as having been received in the USPTO on January 26, 2010, is not of record in the application file and has not to date been located. Accordingly, it is concluded that the reply was timely received in the USPTO, but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on January 26, 2010.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to Technology Center AU 2817 for appropriate action in the normal course of business on the reply received with petition.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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Peter F. Corless
Rohm and Haas Electronic Materials LLC
455 Forest Street
Marlborough MA 01752

MAILED

AUG 17 2011

OFFICE OF PETITIONS

In re Application of
Trefonas, et al.
Application No. 12/069,857
Filed: February 13, 2008
Attorney Docket No. 52593

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2011 to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the restriction/election requirement mailed November 9, 2010, which set a shortened period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on December 10, 2010. A Notice of Abandonment was mailed June 13, 2011.

The election filed August 5, 2011, is noted.

The address cited on the petition differs from the address of record. A courtesy copy of the decision is being mailed to the address cited on petition. All future correspondence will be mailed solely to the address of record absent appropriate written instructions to the contrary.

The application is being forwarded to Technology Center 1700, GAU 1722 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Peter Corless
Edwards Angell Palmer & Dodge
PO Box 55874
Boston, MA 02205



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MAILED

MAY 16 2011

OFFICE OF PETITIONS

GAZDZINSKI & ASSOCIATES, PC
16644 WEST BERNARDO DRIVE
SUITE 201
SAN DIEGO CA 92127

In re Application of :
Huseyin Cahit Akin et al. :
Application No. 12/069,886 : **DECISION ON PETITION**
Filed: February 12, 2008 :
Attorney Docket No. **SHROOM.001A** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

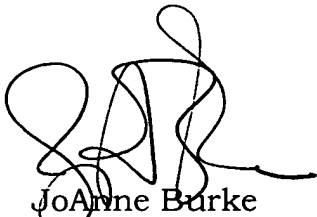
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 6, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 2476 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is positioned above the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,908	02/12/2008	Charles E. Ahlfeld	0507-032-002-000000	8022
44765 7590 10/11/2011 THE INVENTION SCIENCE FUND CLARENCE T. TEGREENE 11235 SE 6TH STREET SUITE 200 BELLEVUE, WA 98004			EXAMINER LEACH, ERIN MARIE BOYD	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 10/11/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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OCT 11 2011

The Invention Science Fund
Clarence T. Tegreene
11235 SE 6th Street
Suite 200
Bellevue, WA 98004

In re Application of	:	
AHLFELD et al.	:	DECISION ON PETITION
Application No. 12/069,908	:	TO REVIEW RESTRICTION
Filed: February 12, 2008	:	REQUIREMENT UNDER
For: NUCLEAR FISSION IGNITER	:	37 CFR § 1.144

This is in response to applicants' petition filed under 37 CFR 1.144 received August 22, 2011 requesting review of the restriction requirement mailed June 22, 2011.

The petition is **DISMISSED** as being premature.

Applicable Regulations and Procedures

37 CFR 1.143 Reconsideration of requirement.

If the applicant disagrees with the requirement for restriction, he may request reconsideration and withdrawal or modification of the requirement, giving the reasons therefor. (See § 1.111). In requesting reconsideration the applicant must indicate a provisional election of one invention for prosecution, which invention shall be the one elected in the event the requirement becomes final. The requirement for restriction will be reconsidered on such a request. If the requirement is repeated and made final, the examiner will at the same time act on the claims to the invention elected.

37 CFR 1.144 Petition from requirement for restriction

*After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. **A petition will not be considered if reconsideration of the requirement was not requested** (see § 1.181) (emphasis added).*

37 CFR 1.181 Petition to the Director, in part

(c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner (emphasis added).

MPEP 818.03 Express Election and Traverse

Election in reply to a requirement may be made either with or without an accompanying traverse of the requirement.

>Applicant must make his or her own election; the examiner will not make the election for the applicant. 37 CFR 1.142, 37 CFR 1.143.

MPEP 818.03(b) Must Elect, Even When Requirement is Traversed

*As noted in the second sentence of 37 CFR 1.143, a provisional election **must be made** even though the requirement is traversed (emphasis added).*

MPEP 818.03(c) Must Traverse To Preserve Right to Petition

If applicant does not distinctly and specifically point out supposed errors in the restriction requirement, the election should be treated as an election without traverse and be so indicated to the applicant by use of form paragraph 8.25.02

Decision

Petitioner requests "review of an Office Action mailed June 22, 2011 setting forth a Restriction Requirement and an Election of Species Requirement." A review of the prosecution history shows that a Restriction Requirement and an Election of Species Requirement was mailed on June 22, 2011. MPEP 818.03(b) and 37 CFR 1.143 requires that a provisional election be made by the applicant. In order to preserve Applicants' right to petition, applicants must provide an election with traverse. 37 CFR 1.144 further sets forth that "a petition will not be considered if reconsideration of the requirement was not requested," and 37 CFR 1.181 sets forth that "it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner" before a petition to the Director is entertained. Applicants have failed to make a provisional election and to request reconsideration of the requirement. Furthermore, the requirement has not been made final. Since applicants have not requested reconsideration of the requirement, the petition is dismissed as being premature.

Accordingly, the application will be returned to the examiner's docket to await a provisional election. The time period for responding to the requirement continues to run from the date of the last Office action (i.e., June 22, 2011).

Applicants are reminded that in order to preserve applicants' right to petition, the election must be made with traverse. If applicants make an election with traverse, applicants may request that the petition filed August 22, 2011 be treated as a request for reconsideration, at which time the examiner will pick up the application for examination to consider applicants arguments contained therein.

Any questions concerning this decision should be referred to Quality Assurance Specialist Teri Luu at (571) 272-7045.



Katherine Matecki, Director
Technology Center 3600
(571) 272-5250

KM/tl: 09/23/11





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/069,908	02/12/2008	Charles E. Ahlfeld	0507-032-002-000000	8022
44765 7590 11/09/2011 THE INVENTION SCIENCE FUND CLARENCE T. TEGREENE 11235 SE 6TH STREET SUITE 200 BELLEVUE, WA 98004			EXAMINER LEACH, ERIN MARIE BOYD	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 11/09/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding. .

The time period for reply, if any, is set in the attached communication.



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NOV - 9 2011

The Invention Science Fund
Clarence T. Tegreene
11235 SE 6th Street
Suite 200
Bellevue, WA 98004

In re Application of	:	
AHLFELD et al.	:	DECISION ON PETITION
Application No. 12/069,908	:	TO REVIEW RESTRICTION
Filed: February 12, 2008	:	REQUIREMENT UNDER
For: NUCLEAR FISSION IGNITER	:	37 CFR § 1.144

This is in response to applicants' petition filed under 37 CFR 1.144 received October 24, 2011 requesting review of the restriction requirement mailed June 22, 2011.

The petition is **DISMISSED** as being premature.

Applicable Regulations and Procedures

37 CFR 1.144 Petition from requirement for restriction

After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181) (emphasis added).

37 CFR 1.181 Petition to the Director, in part

(c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner (emphasis added).

Decision

Petitioner requests "review of an Office Action mailed June 22, 2011 setting forth a Restriction Requirement and an Election of Species Requirement." A review of the prosecution history shows that a Restriction Requirement and an Election of Species Requirement was mailed on June 22, 2011. A first petition filed under 37 CFR 1.144 was received August 22, 2011. However, that petition was dismissed as being premature because applicants had failed to make a provisional election and to request reconsideration of the requirement. Furthermore, the requirement had not been made final by the examiner. Filed concurrently with the instant petition is a response to the restriction requirement including an election with traverse and arguments therewith.

37 CFR 1.144 sets forth that "a petition will not be considered if reconsideration of the requirement was not requested," and 37 CFR 1.181 sets forth that "it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner" before a petition to the Director is entertained. Applicants' traversal has not been considered by the examiner. As stated previously in the Petition Decision mailed October 11, 2011, since the requirement has not been made final, a decision on the merits of the petition is premature.

Accordingly, the application will be forwarded to the Supervisory Legal Instruments Examiner for entry of the Response to Restriction Requirement filed October 24, 2011 and then to the examiner for consideration.

Any questions concerning this decision should be referred to Quality Assurance Specialist Teri Luu at (571) 272-7045.


Katherine Matecki, Director
Technology Center 3600
(571) 272-5250



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**ROBERT M. KNOX
EPSILON IAMBDA ELECTRONICS CORP
396 FENTON LANE
WEST CHICAGO IL 60185**

MAILED

SEP 14 2011

OFFICE OF PETITIONS

In re Application of
Robert M. Knox
Application No. 12/069,927
Filed: February 14, 2008
Attorney Docket No. None

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 23, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (3).

With regards to item (3) the instant petition is not signed. The statement required in item (3) has not been signed by petitioner. A grantable petition pursuant to 37 CFR 1.137(b) must include the required statement signed by:

- (1) An attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
- (5) All of the applicants (§§ 1.42.1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Petitioner has failed to sign the petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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**ROBERT M. KNOX
EPSILON IAMBDA ELECTRONICS CORP
396 FENTON LANE
WEST CHICAGO IL 60185**

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert M. Knox	:	
Application No. 12/069,927	:	DECISION ON PETITION
Filed: February 14, 2008	:	
Attorney Docket No. none	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, January 19, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 20, 2011. A Notice of Abandonment was mailed July 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a proper After-Final Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 2612 for processing of the After-Final Amendment filed with the instant petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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DEAN A. CRAINE
9-Lake Bellevue Drive
Suite 208
BELLEVUE WA 98005

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of
Stephen Crowe
Application No. 12/069,959
Filed: February 13, 2008
Attorney Docket No. GIFS 101

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed April 15, 2011, to change the name of the inventor.

The petition is **GRANTED**.

The name of the inventor has been changed from **Stephen Gifford** to **Stephen Crowe**.

The application file is being referred to the Office of Publications for further processing.

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/069,959	02/13/2008	2612	515	GIFS 101	11	2

CONFIRMATION NO. 8163

CORRECTED FILING RECEIPT



OC000000047547145

28009
DEAN A. CRAINE
9-Lake Bellevue Drive
Suite 208
BELLEVUE, WA 98005

Date Mailed: 05/09/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Stephen Crowe, Kent, WA;

Power of Attorney:

Dean Craine--33591

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/901,164 02/13/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 03/04/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/069,959**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

EXTERNAL CONDITIONS AUDIO PLAYBACK SYSTEM AND METHOD

Preliminary Class

340

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Quinn Emanuel Urquhart Oliver & Hedges, LLP
Koda/Androlia
865 S. Figueroa Street, 10th Floor
Los Angeles CA 90017

MAILED

OCT 12 2010

OFFICE OF PETITIONS

NOTICE

In re Patent No. 7,070,000 :
Issue Date: October 5, 2010 :
Application No. 12/070,000 :
Filed: February 14, 2008 :
Attorney Docket No. 20998/85A4066 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 26, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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Koda/Androlia
865 S. Figueroa Street, 10th Floor
Los Angeles CA 90017

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Patent No. 7,808,116 :

Issue Date: October 5, 2010 :

Application No. 12/070,000 :

Filed: February 14, 2008 :

Attorney Docket No. 20998/85A4066 :

CORRECTED NOTICE

This is a corrected notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 26, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See **DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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GARY K. PRICE, ESQ.,
BOWERS HARRISON, LLP
25 N.W. RIVERSIDE DRIVE
P.O. BOX 1287
EVANSVILLE, IN 47706-1287

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of
Karl E. Greer
Application No. 12/070,005
Filed: February 14, 2008
Attorney Docket No.: 13310.001

ON PETITION

This is a decision on the petition, filed December 20, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed August 29, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 30, 2011. A Notice of Abandonment was mailed on December 12, 2011. On December 20, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of \$930 and (3) an adequate statement of unintentional delay¹.

Accordingly, the petition is **GRANTED**.

The application is being referred to the Office of Data Management to oversee the review of the drawings filed on December 20, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 15, 2010

TO SPE OF : ART UNIT; 2833

SUBJECT : Request for Certificate of Correction for Appl. No.: 12070020 Patent No.: 7758371

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580

Certificates of Correction Branch
703-756-1573

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/renee s luebke/
SPE

2833
Art Unit



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**LAW OFFICE OF DAVID MCEWING
P.O. BOX 70410
HOUSTON TX 77270**

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Application of
Dan Williams
Application No. 12/070,038
Filed: February 14, 2008
Attorney Docket No. DW-01

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed March 15, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A three-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on July 16, 2010. A Notice of Abandonment was mailed January 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Restriction Requirement, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3637 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions



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PHILIP S. JOHNSON
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ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

MAILED
JUN 08 2011
OFFICE OF PETITIONS

In re Patent of Edwards et al. :
Patent No. 7,923,451 :
Issue Date: April 12, 2011 :
Application No. 12/070,051 :
Filing Date: February 14, 2008 :
Attorney Docket No. PRD2808USNP :

DECISION ON REQUEST
FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 C.F.R. § 1.705(d) filed April 5, 2011, which requests the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by one hundred thirty-one (131) days.

The request for reconsideration of the patent term adjustment indicated on the patent is **dismissed**.

The patent sets forth a patent term adjustment of 41 days, which is 131 days of Office delay reduced by 90 days of delay under 37 C.F.R. § 1.704(c)(10). Patentees assert the Office's entry of the 90-day reduction in patent term adjustment was improper.

The application was filed February 14, 2008. The transmittal sheet indicated the application included 1 drawing sheet. However, a drawing was not actually filed and the specification does not include a reference to any drawing.

The Office issued a Notice of Allowance on December 10, 2010.

Patentees filed a letter titled "Communication After Notice of Allowance" on January 13, 2011. The letter states,

It is hereby noted that the Utility Patent Application Transmittal for the above-referenced application inadvertently indicated a drawing submission. This Communication serves to clarify that there is no drawing in this application.

The number of days beginning on the date the January 13, 2011 letter was filed and ending on April 12, 2011, the date the patent issued, is 90 days.

The Office entered a 90-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10) based on the submission of the January 13, 2011 letter.

The petition states,

The communication filed 1/13/2011 required no response or substantive action from the Office. It was a mere clarification concerning an inadvertent clerical error in a transmittal form. With no response on the part of the Office required or provided, there is no basis for [a] patent term adjustment reduction counted up to the time of the mailing of an Office action or notice from the Office in response to such communication, as would be required under 37 C.F.R. § 1.704(c)(10).

37 C.F.R. § 1.704(c)(10) states,

[Upon] [s]ubmission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed ... the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

- (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
- (ii) Four months.

Clarification of the Office's interpretation of the scope of 37 C.F.R. § 1.704(c)(10) is set forth in Manual of Patent Examining ("MPEP") § 2732 (8th ed., Rev. 7, July 2008), which states,

37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process. Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. *See Clarification of 37 CFR 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001).

The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application:

- (1) Fee(s) Transmittal (PTOL- 85B);
- (2) Power of Attorney;
- (3) Power to Inspect;
- (4) Change of Address;
- (5) Change of Status (small/not small entity status);

- (6) A response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and
- (7) Letters related to government interests (e.g., those between NASA and the Office).

Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include:

- (1) a request for a refund;
- (2) a status letter;
- (3) amendments under 37 CFR 1.312;
- (4) late priority claims;
- (5) a certified copy of a priority document;
- (6) drawings;
- (7) letters related to biologic deposits; and
- (8) oaths or declarations.

The January 13, 2011 letter is *not* one of the types of documents the Office has recognized as an exception to the rule that papers filed after allowance will result in a reduction and Patentees have not demonstrated the letter should be an exception.

The January 13, 2011 letter does not share many of the attributes shared by the types of documents the Office has determined will not result when filed after allowance.

A common attribute of the types of papers the Office has determined will not result in a reduction is that each type of paper is not normally filed in order to correct or clarify an error by an applicant made years earlier. The letter in this case was filed to correct an error by the applicants made almost three years prior to the submission of the letter.

A second common attribute of the types of papers the Office has determined will not result in a reduction is that a routine procedure exists for handling each type of document. As a result, the Office is not required to spend considerable time trying to understand the purpose of a document and what steps, if any, the Office must take in order to adequately address the letter. A general procedure does not exist for handling documents such as the January 13, 2011 letter. In other words, the Office does not have a routine procedure in place to handle letters asserting that, although a paper previously submitted in a file indicated X sheets of drawings were filed as part of the original application papers, only Y sheets of drawings were actually filed as part of the original application papers.

The Agency has identified requests for refunds as papers that will result in a reduction after allowance. The Agency has supplied the following explanation for entering reductions for refund requests filed after allowance, but prior to issuance of a patent:

Section 1.26(b) provides a lengthy (two-year) period for filing any request for refund. Thus, applicants may avoid a reduction of any patent term adjustment by not filing a request for refund during the period between the mailing of a notice of allowance and the

date the patent is issued. Applicants who choose to file a request for refund at a time when the filing of such a paper causes interference with the patent issue process must accept the negative impact on patent term adjustment that will result from such a course of action.¹

The rationale for entering reductions for refund requests supports a conclusion a reduction is proper for the January 13, 2011 letter. Specifically, the record fails to indicate Patentee's goal of clarifying a minor clerical error, which had not had any impact on the prosecution of the application or created any confusion, could not have been accomplished by waiting until after issuance of the patent to file the letter.

The Office recognizes the January 13, 2011 letter did not require a response. However, the fact a paper does not require a response from the Office is not proof the paper cannot result in unnecessary delay. For example, even though the Office is not required to respond to duplicate copies of previously filed correspondence, the Office has recognized the submission of duplicate papers results in "delays and confusion ... unless the duplicate has been specifically required by the Office."²

In view of the prior discussion, the Office's entry of a 90-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10) based on the submission of the January 13, 2011 letter was proper.

The Office has stated,

As guidance for minimizing reductions to any patent term adjustment, applicants should adopt practices that do not delay processing of the applications after the "Notice of Allowance" has been mailed. For instance, instead of filing corrected drawings or editorial amendments after the application has been allowed, applicant should submit such corrected drawings or editorial amendments prior to allowance of the application.³

In the future, Patentees may wish to follow the guidance set forth above by proofreading past documents and filing letters correcting or clarifying errors before the Office mails a Notice of Allowance.

The \$200.00 fee set forth in 37 C.F.R. § 1.18(e) has been charged to Deposit Account No. 10-0750.

¹ *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704, 21709 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004).

² *Patents to Issue More Quickly After Issue Fee Payment, Notice*, 1220 Off. Gaz. Pat. Office 42 (Mar. 9, 1999).

³ *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance*, 1247 OG 111 (June 26, 2001).

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', with a stylized, cursive script.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

In re Patent of Edwards et al.	:	
Patent No. 7,923,451	:	DECISION ON REQUEST FOR
Issue Date: April 12, 2011	:	RECONSIDERATION OF
Application No. 12/070,051	:	PATENT TERM ADJUSTMENT
Filing Date: February 14, 2008	:	
Attorney Docket No. PRD2808USNP	:	

This is a decision on the "Petition to the Director under 37 C.F.R. § 1.181 for Supervisory Reconsideration" filed August 5, 2011, which requests reconsideration of a decision mailed June 8, 2011, and requests the patent term adjustment determination under 35 U.S.C. § 154(b) be increased by 90 days, from 41 days to 131 days.

The request for reconsideration of the June 8, 2011 decision is granted to the extent that the June 8, 2011 decision has been reconsidered; however, the request for reconsideration is **dismissed**.

Background

The transmittal sheet filed with the application papers on February 14, 2008, asserts the application papers include 1 drawing sheet. However, a drawing was not actually filed with the application papers and the specification does not include any reference to any drawing.

The Office issued a Notice of Allowance on December 10, 2010. The Notice of Allowance sets forth a patent term adjustment determination of 131 days.

Patentees filed a letter titled "Communication After Notice of Allowance" on January 13, 2011, which states,

It is hereby noted that the Utility Patent Application Transmittal for the above-referenced application inadvertently indicated a drawing submission. This Communication serves to clarify that there is no drawing in this application.

The Office issued an "Issue Notification" on March 23, 2011, stating the application would be issued as a patent on April 12, 2011, with a patent term adjustment of 41 days.

A request for reconsideration of the patent term adjustment was filed under 37 C.F.R. § 1.705(d) on April 5, 2011.

On April 12, 2011, the application matured into Patent No. 7,923,451, with a revised patent term adjustment of 41 days.

The Office issued a decision dismissing the April 5, 2011 request on June 8, 2011.

The instant petition was filed August 5, 2011. The petition argues the submission of the January 13, 2011 letter should not have resulted in a 90-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10).

Opinion

The petition's arguments rely heavily on assertions 37 C.F.R. § 1.704(c)(10) should be interpreted based on the plain language of the regulation.

The first part of 37 C.F.R. § 1.704(c)(10) states, with emphasis added,

[Upon] [s]ubmission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed ... the period of adjustment set forth in § 1.703 *shall* be reduced[.]

The plain language of the first part of the regulation, when considered in isolation, indicates the Office *must* enter a reduction if a paper is submitted after a notice of allowance. In other words, the plain language indicates the Office was required to enter a reduction in patent term adjustment as a result of the submission of the January 13, 2011 letter after the notice of allowance was given or mailed.

If the plain language of the second part of the regulation, when considered in isolation, indicates a reduction in patent term adjustment is only proper under 37 C.F.R. 1.704(c)(10) if the Office responds to the paper filed after allowance, then interpreting the regulation based solely on the "plain" language of the regulation would lead absurd results. For example, such an interpretation in this case would result in the Office being legally required to reduce the period of adjustment set forth in 37 C.F.R. § 1.703 based on the submission of the January 13, 2011 letter, while at the same time, being legally precluded from reducing the period of adjustment set forth in 37 C.F.R. § 1.703 based on the submission of the January 13, 2011 letter. "The plain language of a regulation ... will not control if clearly expressed administrative intent is to the contrary or if such plain meaning would lead to absurd results."¹

In view of the prior discussion, the petition's arguments that the plain language of 37 C.F.R. § 1.704(c)(10) only permits a reduction in patent term adjustment under 37 C.F.R. § 1.704(c) if the Office issues a response to the paper filed after allowance are unpersuasive.

¹ *Webb v. Smart Document Solutions, LLC*, 499 F.3d 1078, 1085 (9th Cir. 2007) (citation omitted).

As discussed in Section 2732 of the Manual of Patent Examining Procedure ("MPEP") (8th ed., Rev. 8, July 2010), the Office has determined certain types of papers will not result in a reduction under 37 C.F.R. § 1.704(c)(10) when filed after allowance. However, these types of papers do not include letters to fix minor clerical errors in transmittal sheets filed with applications. In other words, the January 13, 2011 letter is not one of the types of papers the Office has stated will not result in a reduction when filed after allowance.

The decision states the Office's choice to end the period of reduction under 37 C.F.R. § 1.704(c)(10) on the date the patent issued was arbitrary. However, the decision fails to demonstrate a choice by the Office to allow the period of delay to continue past the patent's issue date would be consistent with 35 U.S.C. § 154(b)(2)(C).

The January 13, 2011 letter was filed after allowance and the number of days beginning January 13, 2011, and ending April 12, 2011, the issue date of the patent, is 90 days. Therefore, the Office's entry of a 90-day reduction under 37 C.F.R. § 1.704(c)(10) was proper.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



Paper No.: _____

DATE : 09/21/11

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/070055 Patent No.: 7902506

CofC mailroom date: 09/14/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

RoChaun Hardwick
Certificates of Correction Branch
703-756-1580

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Robert Kim/
SPE

2881
Art Unit



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LAW OFFICES OF DOUGLAS L. TSCHIDA
93 LITTLE CANADA ROAD WEST
SUITE 202
ST. PAUL MN 55117

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APR 25 2011

OFFICE OF PETITIONS

In re Application of
Glen BRAZIER
Application No. 12/070,109
Filed: February 15, 2008
Attorney Docket No. 208018

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 24, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of December 24, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3611 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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AUDREY A. MILLEMANN
WEINTRAUB GENSHLEA CHEDIAK
400 CAPITOL MALL, 11TH FLOOR
SACRAMENTO CA 95814

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of :
Mark Adam Nowak :
Application No. 12/070,116 : **ON PETITION**
Filed: February 14, 2008 :
Attorney Docket No: 13310/16462 :


This is a decision on the petition filed May 26, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application. This decision also responds to the petition to expedite filed May 26, 2011 under 37 CFR 1.182.

The petition under 37 CFR 1.137(b) is **GRANTED**.
The petition under 37 CFR 1.182 is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed June 29, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned September 30, 2010. Accordingly, a Notice of Abandonment was mailed January 25, 2011.

The petition fees in the amount of \$810.00 and \$400.00 have been charged to deposit account no. 50-1176. All other requirements having been met, this matter is being referred to Technology Center 3618 for appropriate action on the amendment filed May 26, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/070,208	02/15/2008	Timothy R. Ryan	P0024581.01	8841
77218	7590	03/10/2011		
Medtronic CardioVascular Mounds View Facility South 8200 Coral Sea Street N.E. Mounds View, MN 55112				
EXAMINER				
SCHALL, MATTHEW WAYNE				
ART UNIT		PAPER NUMBER		
3738				
NOTIFICATION DATE		DELIVERY MODE		
03/10/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rs.vasciplegal@medtronic.com



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JEFFREY J. HOHENSHELL
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY
MINNEAPOLIS, MN 55432

In re Application of:

Timothy Ryan
Application No.: 12/070,208
Filed: February 15, 2008
For: MULTI-LAYERED STENTS AND
METHOD OF IMPLANTING

DECISION ON PETITION UNDER 37
CFR 1.84(a)(2) TO ACCEPT
COLORED DRAWINGS

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2), filed July 8, 2008. The petition requests that all the drawings, which are in color, be accepted in lieu of black and white drawings.

A grantable petition under 37 CFR 1.84(a)(2) must be accompanied by 1) the fee set forth under 37 CFR 1.17(h), 2) three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and 3) the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact Corrine McDermott by mail addressed to: Director, Technology Center 3700, at the address listed above, or by telephone at 571-272-4754 or by facsimile transmission at 571-273-8300.

/Corrine McDermott/
SPE, Art Unit 3738



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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March 9, 2011

VGX Pharmaceuticals, LLC
1787 Sentry Parkway West
Building 18, Suite 400
Blue Bell PA 19422

In re Application of	:	
Mathiesen, Jacob et al	:	DECISION ON PETITION
Application No. 12/070,233	:	
Filed: 02/15/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. GTI-50000-CT5	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 15, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

Walter Albecker
838 S. May St.
Chicago IL 60607-4242

MAILED

DEC 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Walter Albecker	:	
Application No.: 12/070254	:	DECISION ON
Filing or 371(c) Date: 02/14/2008	:	PETITION
Title of Invention:	:	
STRUCTURE FOR LEGLESS LEISURE	:	
CHAIRS WITH ARMRESTS	:	

This is a decision in response to the petition to withdraw holding of abandonment, filed November 22, 2011. The petition is properly treated under 37 C.F.R. 1.181(a).

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 15, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is April 16, 2011.

The present petition

Applicant files the present petition and provides that the applicant, pro se, filed an amendment in response to the final Office action on June 15, 2011. The amendment provided status identifiers for all of the claims, and in particular for claims 7 and 18: Claims 7 and 18 were identified with the status identifier of "NEW."

Applicant provides further that in the amendment filed June 15, 2011, applicant clearly explained the change in the claims, to wit - claims 7 and 18. Applicant provides further that the amendment specifically included a request for assistance.

In a Notice of Non-Compliant Amendment mailed July 13, 2011, the Office informed applicant that the amendment filed June 15, 2011 was non-compliant because claims 7 and 18 were improperly identified as the claims cannot be canceled and then changed to "New," they need to have been changed to "Currently amended."

Applicant filed a reply on August 1, 2011. The Office thereafter mailed a Notice of Abandonment on September 13, 2011, stating as the reason for abandonment the requirement for a three (3) month extension of time with the August 1, 2011 reply.

Applicant files the present petition and avers that the examiner clearly understood the status of the claims in question, and where the intent of the status identifiers was clearly understood, allowance of the claims should not have been delayed.

In support of this assertion, applicants cite to a June 1, 2005 Memo regarding Acceptance of Certain Non-Compliant Amendments Under 37 CFR 1.121(c), issued by the Deputy Commissioner for Patent Examination Policy, Applicant notes that the Memo provides:

The Technical Support Staff (TSS) and examiners should liberally accept variations where the intent of the status identifiers is accurate and clear in view of the record of the application.

Amendments filed after final rejection should continue to be forwarded to the examiner for the usual review of the amendment, including compliance with 37 CFR 1.121. When accepting alternative status identifiers, the examiner is not required to correct the status identifiers using an examiner's amendment, nor shall applicant be notified, and required, to submit a corrective compliant amendment. The examiner does not need to make a statement on the record that the alternative status identifiers have been accepted.

Applicant also avers that the Notice provides one (1) month or 30 days to reply, and provided no indication that any extension of time was required.

Applicant therefore requests withdrawal of the holding of abandonment.

Applicable Law, Rules and MPEP

35 U.S.C. § 133, Time for prosecuting application, states

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

This section of the statute is further clarified in Office rule, 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

- (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
- (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
- (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

This section explains that the reply must be both complete and proper as the condition of the application may require.

37 CFR § 1.181, Petition to the Director, provides, in relevant part:

- (a) Petition may be taken to the Director:
 - (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;
 - (2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director; and
 - (3) To invoke the supervisory authority of the Director in appropriate circumstances. For petitions involving action of the Board of Patent Appeals and Interferences, see § 41.3 of this title.

The rule also states:

- (f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable. (Emphasis added).

Analysis

Initially it is noted that the Notice of Non-Compliant Amendment states that:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant amendment with corrections, the **entire corrected amendment** must be resubmitted.

Here, the amendment was an after-final amendment, and applicant was given no new time period to reply to the final Office action mailed February 15, 2011. The final Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). Applicant's reply, filed August 1, 2011, required a three (3) month extension of time and fee in order to have been considered timely. Applicant failed to provide the requisite extension of time request/fee.

Applicant is advised an application becomes abandoned according to statute and Office rules. In this instance, Applicant was required to file a complete and proper reply to the Office action mailed on February 15, 2011. It is Applicant's responsibility to file a complete and proper reply to the application as the condition of the application requires. Here, Applicant's reply, filed August 1, 2011, required a three (3) month extension of time and fee in order to have been considered timely, and was therefore not a complete and proper reply.

Regarding Applicant's status as pro se, Applicant is advised that is his responsibility to either retain counsel to prosecute his application, or to familiarize himself with the laws, rules of practice and MPEP. An Applicant who elects to proceed in prosecuting his application without an attorney steps into the shoes of the attorney. The rules of practice do not diverge depending upon whether one is an attorney or an applicant appearing before this Office in proper person. It is Applicant's obligation to inform him-self about the obligations associated with prosecuting his application. See, California Med. Prods. V. Tecnol Med., 921 F.Supp 1219 (D. Del. 1995).

As to applicant's assertion that the examiner clearly understood the status of the claims in question, and where the intent of the status identifiers was clearly understood, allowance of the claims should not have been delayed, a review of the Memo reveals that the Memo provided a list of Status Identifiers and Acceptable Alternatives, however, not listed among the list of Acceptable Alternatives for Currently Amended is "New."

Applicant notes that the examiner clearly understood the status of the claims in question, and that the Memo's direction that the Technical Support Staff (TSS) and examiners should liberally accept variations where the intent of the status identifiers is accurate and clear in view of the record of the application, dictated that the examiner allow the claims without delay. However, applicant is not in the position to state whether "the intent of the status identifiers [was] accurate and clear in view of the record of the application" to the Examiner. (Emphasis added). The Office mailed the Notice of Non-Compliant Amendment, and the inference in the mailing of the Notice is that the intent of the status identifiers was not clear to the Examiner.

Moreover, instead of filing a petition arguing that the examiner clearly understood the status of the claims in question, and that the Memo's direction dictated that the examiner allow the claims without delay, applicant filed an amendment incorporating the language the examiner suggested

without the requisite extension of time request and fee. The application is properly held abandoned.

Applicant now, more than four (4) month after the mailing of the Notice of Non-Compliant Amendment, petitions to withdraw the holding of abandonment, asserting as the basis for the request that the examiner clearly understood the status of the claims in question, and that the Memo's direction that the Technical Support Staff (TSS) and examiners should liberally accept variations where the intent of the status identifiers is accurate and clear in view of the record of the application, dictated that the examiner allow the claims without delay. However, the petition to withdraw the holding of abandonment is untimely. As noted supra, any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

The application is properly held abandoned because applicant failed to file a complete and proper reply to the Notice of Non-Compliant Amendment. Applicant erroneously believed that no extension of time was required.

As provided in the Manual of Patent Examining Procedure,

[w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

MPEP 711.03(c).

Conclusion

In view of the foregoing, the petition is dismissed.

Alternate Venue

Applicant is strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the

date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning *this matter* should be directed to attorney Derek Woods at (571) 272-3232. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center¹.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See, 37 CFR 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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Walter Albecker
838 S. May St.
Chicago IL 60607-4242

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of	:	
Walter Albecker	:	
Application No.: 12/070254	:	DECISION ON
Filing or 371(c) Date: 02/14/2008	:	PETITION
Title of Invention:	:	
STRUCTURE FOR LEGLESS LEISURE	:	
CHAIRS WITH ARMRESTS	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 20, 2012, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed March 26, 2007. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

Applicant filed a reply on September 24, 2007; however, the reply failed to place the application in condition for allowance. Applicant was so notified in an Advisory action mailed October 3, 2007. No complete and proper reply having been received, the application became abandoned on June 27, 2007. A Notice of Abandonment was mailed November 19, 2007.

The present petition

Applicant files the instant petition, and an amendment in response to the final Office action was filed on August 1, 2011.

Applicable law, Rules and MPEP

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The present petition lacks item (1).

As to item (1), the proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). In this instance, the Examiner has reviewed the Amendment and concluded that the Amendment fails to place the application in condition for allowance.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Inquiries regarding the Amendment should be directed to the Examiner. Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Walter Albecker
838 S. May St.
Chicago IL 60607-4242

MAILED
APR 13 2012
OFFICE OF PETITIONS

In re Application of	:	
Walter Albecker	:	
Application No.: 12/070254	:	DECISION ON
Filing or 371(c) Date: 02/14/2008	:	PETITION .
Title of Invention:	:	
STRUCTURE FOR LEGLESS LEISURE	:	
CHAIRS WITH ARMRESTS	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 2012, and supplemented March 27, 2012, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed March 26, 2007. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

Applicant filed a reply on September 24, 2007; however, the reply failed to place the application in condition for allowance. Applicant was so notified in an Advisory action mailed October 3, 2007. No complete and proper reply having been received, the application became abandoned on June 27, 2007. A Notice of Abandonment was mailed November 19, 2007.

The January 20, 2012 petition

Applicant filed a petition to revive the application on January 20, 2012, and an amendment in response to the final Office action was filed on August 1, 2011.

The February 14, 2012 decision on petition

The petition was dismissed in a decision mailed February 14, 2012. The decision dismissing the petition informed petitioner that the Examiner had reviewed the amendment and concluded that the amendment failed to place the application in condition for allowance. The decision also informed petitioner that the proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b).

The present renewed petition

Petitioner files the present renewed petition and a Request for Continued Examination ("RCE"), along with \$405.00 as the RCE fee; however, the fee for a RCE increased to \$465.00, effective September 26, 2011.

Petitioner attempted to supplement the additional \$65.00 on March 27, 2012 via credit card; however, the credit card number submitted was invalid.

Applicable law, Rules and MPEP

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The present petition lacks item (1).

Analysis/conclusion

As to item (1), the proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). In this instance, the Examiner has reviewed the Amendment and concluded that the Amendment fails to place the application in condition for allowance.

The petition is dismissed without prejudice. Petitioner should file a request for reconsideration of petition and include the required reply to the Office action.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Inquiries regarding the Amendment should be directed to the Examiner. Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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MAILED

AUG 25 2010

OFFICE OF PETITIONS

**AT & T Legal Department - WS
Attn: Patent Docketing
Room 2A-207
One AT & T Way
Bedminster NJ 07921**

In re Application of :
Antonio Mecozzi et al. :
Application No. 12/070,288 : **DECISION ON PETITION**
Filed: February 14, 2008 :
Attorney Docket No. **1999-0532CON3** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 22, 2010, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue fee on or before October 13, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed July 10, 2009. Accordingly, the date of abandonment of this application is October 14, 2009.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is positioned above the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Xiaolei Sun
Wolff and Samson PC
One Boland Dr
West Orange, NJ 07052

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111108

DATE : November 8, 2011

TO SPE OF : ART UNIT 1628

SUBJECT : Request for Certificate of Correction on Patent No.: 7,973,041

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

in Page 10 of 19, line 18-19, said "Col. 75, Line 67, After "(M+H)+." delete "Part 3." and insert the same on Col. 76, Line 1 as a heading" has not been entered. It is unclear what the correction is, and it causes a duplicate heading.

SPE: /Brandon J. Fetterolf/

Art Unit 1628



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JAN 20 2012

OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (BO)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,973,041
Issued: July 5, 2011
Application No. 12/070,310
Filed: February 15, 2008
Attorney Docket No. 20443-0148002 /
INCY0077-002

:DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on September 1, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted from 314 to 364 days.

The request for review of the patent term adjustment is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of THREE HUNDRED FIFTY-SEVEN (357) days.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On July 5, 2011, the above-identified application matured into U.S. Patent No. 7,973,041 with a patent term adjustment of 314 days. On September 1, 2011, Patentees submitted the instant application.

Patentees dispute the reduction of 33 days for the response filed June 3, 2010. The USPTO mailed an Office Action to the applicants on February 1, 2010, setting a shortened statutory period of one month to reply. The three month response datem pursuant to 37 CFR 1.704(b) fell on May 1, 2010 which was a weekend day. A response was filed on June 3, 2010 with an extension of time request. Patentee argues that the period of delay was calculated from May 1, 2010, which was a Saturday but should be calculated from May 3, 2010, the next business day.

In *Arqule v. Kappos*, __ F.Supp.2d __ (D.D.C. 2011), the District Court of the District of Columbia ruled that the 35 U.S.C. § 21 (b) "weekend and holiday" exception applies to "any action" including the § 154(b)(2)(C). Accordingly, because May 1, 2010 was a weekend, the time period to calculate Applicant delay commenced on May 3, 2010 rather than May 1, 2010. Therefore, a delay of 33 days was accrued, corresponding to the time period between May 1, 2010 (three months after the mailing date of the Office Action, in accordance with 37 CFR §1.704(b)) and June 3, 2010. Applicants respectfully request the Office to remove the 33 days of Applicant delay and correct the total Applicant delay from 33 days to 31 days as it relates to 37 CFR §1.704(b)).

The reduction is being reconsidered and, based upon the decision in the *Arqule* case, it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. §21(b) is not warranted.

Thus, instead of a 33 day reduction for applicant delay pursuant to 37 C.F.R. §1.704(b), 31 days should have been accorded for applicant delay. Accordingly, the period of reduction of 33 days is being removed and a period of reduction of 31 days is being entered.

Patentees also disclose that "Patentees filed a Request for a Corrected Filing Receipt on May 18, 2011. An Applicant Delay of 41 days was assessed for this reply, as it was improperly coded in the PAIR system as a "Miscellaneous Incoming Letter." The PTO mailed a response to the Request for a Corrected Filing Receipt on May 24, 2011. Patentees respectfully submit that a delay of 8 days is not appropriate as intended in 37 C.F.R. § 1.704(c)(10), and asks that the Office recalculate the Applicant Delay as 7 days for delay from May 18, 2011, to May 24, 2011." Patentees further argue that the PTO mailed a Notice to File Corrected Application Papers on April 11, 2011. Patentees filed a response to the Notice to File Corrected Application Papers on April 28, 2011. An Applicant Delay of 7 days was assessed for this reply. Patentees respectfully submit that a response to a Notice to File Corrected Application Papers is not a failure to engage in reasonable efforts to conclude prosecution of the application as intended in 37 C.F.R. § 1.704, and asks that the Office recalculate the Applicant Delay as 0 days."

At dispute is the 41 day delay accorded for a Miscellaneous Letter filed May 18, 2011, which was essentially a Request for a Corrected Filing Receipt. Additionally, at dispute is the 7 day delay accorded the April 28, 2011 response to a April 11, 2011 Notice to File Corrected Application Papers.

Patentee concludes therefore the correct patent term adjustment is 364 days (the sum of 292 days of "A delay" and 140 days of "B delay" minus 68 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

37 CFR 1.704 (c) provides that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

OPINION

Patentee's arguments have been considered. The patent incorrectly shows a reduction of 41 days for the May 18, 2011 filing of the Request for Corrected Filing Receipt, which was filed on the same day as the Amendment pursuant to 37 C.F.R. § 1.312 and to which a response was mailed May 25, 2011. For the filing of the the Request for Corrected Filing Receipt on May 18, 2011, a delay of 41 days is being removed.

However, the 7 day delay for the Amendment pursuant to 37 C.F.R. § 1.312 filed April 28 was properly accorded. The amendment was filed April 28, 2011 and a response was mailed May 4, 2011 to which a 7 day delay was accorded. Thus, the reduction has been considered a proper a basis for reduction of patent term adjustment pursuant to § 1.704(c)(10).

CONCLUSION

In view of the periods of Applicant Delay detailed above, the total Applicant Delay for this patent should be calculated as 75 days (i.e., the sum of 31 days, 29 days, 7 days and 8 days). As such, the patent term adjustment is 357 days (292 "A delay" days plus 140 "B delay" days minus 75 Applicant delay days), not 364 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred fifty-seven (357) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,973,041 B2

DATED : July 5, 2011

INVENTOR(S) : Yun Long Li

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (314) days

Delete the phrase “by 314 days” and insert – by 357 days--



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OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (BO)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,973,041
Issued: July 5, 2011
Application No. 12/070,310
Filed: February 15, 2008
Attorney Docket No. 20443-0148002 /
1NCY0077-002

: FINAL AGENCY DECISION
: ON REQUEST TO INVOKE THE
: SUPERVISORY AUTHORITY
: OF THE DIRECTOR

This is a decision on the petition filed February 21, 2012, requesting that the Director review the Decision on Request for Reconsideration of Decision on Application for Patent Term Adjustment ("Decision") mailed by the Office of Petitions on January 20, 2012.

The Decision argues that the above-identified patent is entitled to three hundred sixty-four (364) days of patent term adjustment ("PTA"), that a paper filed in response to a Notice to File Corrected Application Papers mailed by the Office within the timeframe provided by the Notice should not be considered an action that prevents or interferes with the Office's ability to process or examine an application. To the contrary, such timely filing only supports Applicants' efforts to conclude processing of the application. Thus, an Applicant Delay of 0 days reduction pursuant to 37 C.F.R. § 1.704, rather than 7 days, is appropriate. Patentees request that the Director review the decision and modify the PTA calculation to three hundred sixty-four (364) days.

To the extent the request seeks the review of the decision mailed January 20, 2012, the request is granted. However, the petition does not allege any error and no error has been found, thus, the petition under 37 CFR 1.181 is **DENIED**. This decision is a final agency action within the meaning of 5 U.S.C. § 704 for purposes of seeking judicial review. See, MPEP 1002.02.

As indicated in 1247 OG 111, not all papers will be considered to cause a delay. However, the filing of an amendment under 37 CFR 1.312 is one paper that will be considered to cause a delay. Applicant filed an amendment under 37 CFR 1.312 on April 28, 2011 in response to the April 11, 2011 Notice. Furthermore, in this instance the amendment was required to add table entries that had been deleted by the applicant.

The patent term adjustment remains 357 days, as indicated in the decision of January 20, 2012.

Accordingly, the decision on application for patent term adjustment has been reconsidered and the request for additional patent term is DENIED.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Anthony Knight
Director
Office of Petitions



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350 Cambridge Avenue
Suite 100
PALO ALTO CA 94306

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application of
MYUNG, David
Application No. 12/070,336
Filing Date: February 15, 2008
Attorney Docket No. S07-019/US

:
:
: DECISION ON PETITIONS
: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
:

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 27, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).


The MPEP 201.06(d) provides:

Where an application claims a benefit under 35 U.S.C. § 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. *See Sampson v. Ampex Corp.*, 463 F.2d 1042, 1044-45, 174

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.



David Bucci
Petitions Examiner
Office of Petitions



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Suite 100
PALO ALTO CA 94306

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APR 10 2012
OFFICE OF PETITIONS

In re Application of :
MYUNG et al. :
Application No. 12/070,336 : DECISION ON PETITIONS
Filed: February 15, 2008 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Docket No.: S07-019/US :

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed March 4, 2012 to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications as set forth in the amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1767 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.



Jose Dees
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/070,336	02/15/2008	1767	830	S07-019/US	30	2

CONFIRMATION NO. 8672

CORRECTED FILING RECEIPT



OC000000053606978

30869
LUMEN PATENT FIRM
350 Cambridge Avenue
Suite 100
PALO ALTO, CA 94306

Date Mailed: 04/09/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David Myung, Santa Clara, CA;
Laura Hartman, San Francisco, CA;
Jean Noolandi, Palo Alto, CA;
Christopher N. Ta, Saratoga, CA;
Curtis W. Frank, Cupertino, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 11/243,952 10/04/2005 PAT 7857849
and is a CIP of 11/636,114 12/07/2006 PAT 7857447
and is a CIP of 11/409,218 04/20/2006 ABN
and is a CIP of 11/639,049 12/13/2006 PAT 7909867
and claims benefit of 60/901,805 02/16/2007 *
and said 11/243,952 10/04/2005
claims benefit of 60/616,262 10/05/2004
and claims benefit of 60/673,172 04/20/2005
and said 11/636,114 12/07/2006
claims benefit of 60/843,942 09/11/2006
and claims benefit of 60/783,307 03/17/2006
and said 11/409,218 04/20/2006
claims benefit of 60/673,600 04/21/2005
and said 11/639,049 12/13/2006
claims benefit of 60/843,942 09/11/2006

(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 03/05/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/070,336**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Strain-hardened interpenetrating polymer network hydrogel

Preliminary Class

523

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.